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MONTANA STATE PRISON



Montana Legislative Council

December 1958

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MONTANA STATE PRISON

**A REPORT TO THE THIRTY-SIXTH
LEGISLATIVE ASSEMBLY**

by the

**Montana Legislative Council
December 1958**

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1957 - 1958**

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SENATE RESOLUTION NO. 6

Introduced by Committee on State Boards, Offices and Buildings

A RESOLUTION OF THE SENATE OF THE THIRTY-FIFTH LEGISLATIVE SESSION OF THE STATE OF MONTANA TO THE LEGISLATIVE COUNCIL OF THE STATE OF MONTANA, AND TO THE MEMBERS THEREOF, UNDER ITS DESIGNATED POWERS AS PRESCRIBED BY LAW, TO MAKE A COMPLETE REVIEW, WITH ACCOMPANYING PROPOSED LEGISLATIVE RECOMMENDATIONS, AIMING AT A LONG-RANGE PROGRAM FOR THE MONTANA STATE PRISON AT DEER LODGE, MONTANA, INCLUDING SUCH AREAS AS AGRICULTURE, FINANCING, ADMINISTRATION, UTILIZATION OF PRODUCTION, EDUCATION, VOCATIONAL REHABILITATION, AND PAYMENTS IN LIEU OF TAXES TO POWELL COUNTY, MONTANA: THAT THE SAID COUNCIL REPORT THEIR RECOMMENDATIONS OF PROPOSED AND SUGGESTED LEGISLATION TO THE THIRTY-SIXTH LEGISLATIVE SESSION OF THE STATE OF MONTANA IN ORDER TO EFFECTIVELY CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION: THAT THE SECRETARY OF THE SENATE OF THE STATE OF MONANA BE DIRECTED TO FURNISH AND TRANSMIT COPIES OF THIS RESOLUTION TO EACH OF THE RESPECTIVE MEMBERS OF THE SENATE OF THE STATE OF MONTANA APPOINTED TO SAID COUNCIL, AND TO THE GOVERNOR OF THE STATE OF MONTANA, ATTORNEY GENERAL OF THE STATE OF MONTANA, SECRETARY OF STATE OF THE STATE OF MONTANA AND THE WARDEN OF THE MONTANA STATE PRISON.

BE IT RESOLVED BY THE SENATE OF THE THIRTY-FIFTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

WHEREAS, on the twenty-first day of February, nineteen hundred and fifty-seven, the Honorable J. Hugo Aronson, Governor of the State of Montana, duly signed and approved House Bill number forty-six, relating to the creation of a legislative council, composed of twelve members, six of each to be appointed from the members of the Senate and the House of Representatives of the State of Montana; and

WHEREAS, the said Legislative Council has the power, as prescribed by law to appoint special committees to study and inquire into any specific governmental problem, and to make recommendations for the solutions of the same, under the supervision and direction of the Legislative Council; and the further power to accumulate, compile, analyze and furnish such information bearing upon any matters relating to existing or prospective legislation as may be determined by said council upon its own initiative; and

WHEREAS, it is desired to continue progress toward a more modern prison system at the Montana State Prison at Deer Lodge, Montana to the end and purpose that the prison population at the said prison may be adequately housed, security confined, and gainfully employed in such enterprise as will prove most remunerative to the State and beneficial to the said prisoners; to provide reasonable educational, recreational and rehabilitational facilities and such practicable industrial, farming and educational equipment required with the view of making the system self-sustaining; and that those convicted of violating the law and sentenced to a term or terms in the Montana State Prison shall be given opportunity, encouragement and training in the matter of reformation and rehabilitation; to see that all prisoners shall be worked within the prison walls and upon the farms owned by the state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA, OF THE THIRTY-FIFTH LEGISLATIVE SESSION, that the legislative council hereinbefore mentioned is hereby requested under its designated powers, to study, review, recommend and submit proposed and suggested legislation to the thirty-sixth legislative session of the State of Montana in these areas:

- (1) A long-range agricultural program aimed at meeting future needs, including rehabilitation.
- (2) A program of appropriations for future legislative sessions designed to accomplish the goals of an over-all long-range Montana State Prison program, including necessary buildings, equipment, adequate salaries and other operational expenses.
- (3) An administrative plan with long-term tenure in office for competent, qualified personnel.
- (4) A program of agricultural and industrial production aimed at proper utilization.
- (5) An over-all educational program covering both illiterate prisoners needing instruction in reading and writing and literate prisoners needing academic and special occupational or vocational instruction.
- (6) A long-range prison industry program coupled with vocational rehabilitation.
- (7) A fair and equitable payment in lieu of tax plan for land taken off the Powell County Tax rolls
- (8) Any other area which the Legislative Council deems necessary.

That the Secretary of the Senate of the State of Montana be directed to transmit copies of this resolution to the appointed members of the legislative council, the Governor of the State of Montana, Attorney General of the State of Montana, the Secretary of State of the State of Montana and the Warden of the Montana State Prison.

TABLE OF CONTENTS

	<i>Page</i>
LETTER OF TRANSMITTAL	iii
LEGISLATIVE COUNCIL MEMBERSHIP	iv
PRISON SUBCOMMITTEE MEMBERSHIP	v
SENATE RESOLUTION NUMBER 6	vi
TABLE OF CONTENTS	viii
INTRODUCTION	x
CHAPTER I. THE IMPORTANCE OF REHABILITATION	1
<i>In General</i>	1
<i>Rehabilitation as an Economy</i>	3
CHAPTER II. INMATE EDUCATION	4
ACADEMIC AND GENERAL EDUCATION	4
<i>Needs in the Education Program at Montana State Prison</i>	4
<i>Athletic Education</i>	5
<i>Pirson Library</i>	5
<i>Inmate Recognition</i>	5
<i>Classification</i>	6
VOCATIONAL EDUCATION	6
<i>Equipment and Space</i>	7
<i>Teaching Personnel</i>	8
<i>Recognition for Trainees</i>	8
<i>Relation to Prison Industries</i>	8
CHAPTER III. PERSONNEL	9
<i>Inmate-Staff Ratio</i>	9
<i>Inadequacy of Salaries</i>	9
<i>Tenure and Job Security</i>	11
<i>Necessary Repeal and Revision of Existing Laws</i>	12
CHAPTER IV. HEALTH AND MEDICAL SERVICES	13
<i>Medical Staff</i>	13
<i>General Medicine</i>	14
<i>Hospital</i>	14
<i>Dentistry</i>	14
<i>Eye Care</i>	15
RECOMMENDATIONS	15
<i>General Medicine</i>	15
<i>Dentistry</i>	15
<i>Hospital</i>	15
<i>Eye Care</i>	16
<i>Psychological Care</i>	16
<i>Religious Program</i>	16

TABLE OF CONTENTS—Continued

		<i>Page</i>
CHAPTER V.	MONTANA STATE PRISON RANCH	17
	GENERAL ORGANIZATION	17
	<i>Buildings and Equipment</i>	17
	<i>Personnel</i>	17
	SPECIFIC AREAS OF RANCH OPERATION	18
	<i>Beef Cattle</i>	18
	<i>Dairy Cattle</i>	20
	<i>Swine</i>	21
	<i>Poultry</i>	21
	<i>Horticultural Crops</i>	22
<i>Agronomy</i>	22	
<i>Weed Control</i>	25	
<i>Irrigation and Weather Data</i>	25	
<i>Range Management</i>	26	
<i>Forest Management</i>	26	
<i>Livestock Sanitation</i>	27	
<i>Conclusion</i>	27	
CHAPTER VI.	PRISON INDUSTRIES	28
	<i>Existing Laws Governing Manufacture and Sale of Prison Made Goods</i>	28
	<i>Present Industries Program</i>	31
	<i>Comparison with Other States</i>	33
	RECOMMENDATIONS	34
<i>The Problem of Incentives</i>	34	
<i>Prison Industries Superintendent</i>	34	
CHAPTER VII.	THE PHYSICAL PLANT	35
	EXISTING FACILITIES	35
	RECOMMENDATIONS	37
	<i>In General</i>	37
	<i>Prison Labor</i>	37
<i>A Long-Range Building Plan—Ten Years</i>	38	
<i>A Long-Range Building Plan—Four Years</i>	41	
<i>Conclusion</i>	42	
CHAPTER VIII.	IN-LIEU-OF-TAX PAYMENTS TO POWELL COUNTY	43
	<i>Impact on Powell County</i>	43
	<i>Benefits to Powell County</i>	43
	<i>The Search for a Precedent</i>	44
	<i>Conclusion and Recommendation</i>	44
CHAPTER IX.	MISCELLANEOUS RECOMMENDATIONS	45
CHAPTER X.	POPULATION PROJECTION FOR MONTANA STATE PRISON	47
CHAPTER XI.	APPENDIXES	50

INTRODUCTION

Senate Resolution Number 6, which appears above, was passed on March 7, 1957, during the thirty-fifth session of the Montana Legislative Assembly. The passage of this resolution indicated an early awareness by Montana legislators of unsatisfactory conditions at the State Prison at Deer Lodge.

The July, 1957 disturbance by inmates of the prison focused the attention of the entire state on that institution. Unfortunate as these disturbances were, they have had the effect of making transparently clear the necessity of a reappraisal of Montana's correctional system and the need for immediate remedial action.

Members of the Legislative Council visited the prison shortly after the riot and began to familiarize themselves with the problems of the institution. It was not until February of 1958, however, that staff research was begun.

The resolution directed the Legislative Council "to make a complete review, with accompanying proposed legislative recommendations, aiming at a long-range program for the Montana State Prison at Deer Lodge, Montana." The need for long range planning is most apparent in dealing with the building and farm programs and, accordingly, many of the recommendations in these areas are not intended for execution in the immediate future.

Certain other subjects discussed in this report are regarded as areas requiring some immediate attention. For example, the first requirement for an educational program at the prison is to obtain qualified instructors. This need is immediate and it is expected that a long range educational program will be worked out by the administration and will grow naturally from the planning of those responsible for the initial program. It is sometimes impractical to plan a long range program in an area where no program at all exists and where no data or experience are available on which to base a justification for a long range program.

The Senate, in passing the resolution, apparently contemplated a complete study of conditions at the prison requiring legislative action, as well as recommendations from the Legislative Council designed to remedy existing deficiencies. Such recommendations are contained in the chapters following.

In order to assist the Legislative Assembly in putting a "price tag" on these programs, approximate cost estimates are made where possible and practical.

During the year the Council undertook this study, the prison was administered by three wardens. This condition alone made it impractical to detail the existing administrative practices and recommendations for the improvement of these practices because the policies and philosophies influencing the administration have changed with each warden. Furthermore, at the time the thirty-sixth Legislative Assembly convenes, the newly-appointed warden, Mr. Floyd E. Powell, will have had less than five months to revive an institution which has been deteriorating for 30 or 40 years. An evaluation of his progress by the legislature sometime in the future could be made, but would serve little purpose at this time.

Generally speaking, recommendations contained in this report are things requiring statutory changes and the appropriation of money. Also included, of course, is a full justification for each recommendation. This report is a plan for legislative action.

The Legislative Council wishes to acknowledge the assistance of the following persons who aided in the preparation of this report: Mr. F. O. Burrell, Warden, Montana State Prison (resigned March 31, 1958); Mr. William C. Benson, Acting Warden, Montana State Prison (March 31, 1958-August 24, 1958); Mr. Floyd E. Powell, Warden, Montana State Prison (appointed August 24, 1958); Mr. Elmer F. Erickson, Business Manager, Montana State Prison; Mr. Kenyon J. Seudder, Director of Field Services, The Osborn Association; Mr. R. L. Wham, Associate Superintendent Custody, California Men's Colony; Mrs. Ruth Longworth, Secretary, Montana State Library Extension Commission; Dr. L. O. Brockmann, President, Northern Montana College; Dr. Amos R. Little, Jr., Chairman of the Montana Medical Association Institutions Committee; The Montana Historical Society; Dr. Gordon Browder, Chairman, Department of Sociology, Anthropology and Social Welfare, Montana State University; and Mr. John C. Wilson, Director, Division of Records and Statistics, State Board of Health.

The Legislative Council is especially grateful to: Dr. Roy E. Huffman, Dean of Agriculture; Mr. Eric B. Wilson, Agricultural Engineering Specialist; Mr. H. A. Cockrum, Assistant Director, Agricultural Experiment Station and the 24 specialists from the Division of Agriculture, Montana State College, who prepared the excellent "Development and Operational Plan for the Montana State Prison Ranch", on which the Legislative Council based the chapter of this report dealing with the prison ranch.



Chapter I

THE IMPORTANCE OF REHABILITATION

Now we recognize and accept the fact that prisoners are people; that men and women go to prison AS punishment, not FOR punishment; and that, having discharged its responsibility for the sure custody of those committed to it, the prison's purpose should be to restore the prisoner to society less likely to offend again.¹

In General

At the outset it should be stated that the Legislative Council has approached this study with the belief that the major emphasis during the imprisonment of offenders should be on rehabilitation.

This in no sense implies the advocacy of a program for making prison life so pleasant that it obviates the idea of punishment. Rehabilitating prisoners is not "coddling" prisoners. Prisoners are "coddled" or receive unusual privileges only in backward and poorly administered institutions where "rackets", "gangs" and powerful "con bosses" are rife within the inmate community and where incompetent or untrained personnel are dominated by the corrupting influence of the convict population. In a modern, enlightened institution, discipline and rehabilitation go hand in hand and each inmate will have a job to do and a place to be.

It is obvious that a prison may provide society some protection from crime by merely imprisoning offenders for various periods. It is equally obvious that this may solve the problem caused by these specific, confined criminals without solving the problem of crime in general. True protection of society could be attained only by giving all offenders life imprisonment or excessively long sentences. This, however, would fill our prisons to a point beyond imagination when, at the same time, it is apparent that such a procedure would serve neither to reduce crime nor deter it.

Early American history reveals that the Colonists brought with them from England the idea of jails and workhouses and a philosophy of harsh punishment for offenses that would now be considered trivial. Hanging was the punishment for from ten to eighteen offenses in the various colonies. The history of this period has revealed that society does not reduce crime, but increases it, by imposing penalties that cannot be accepted as necessary and just.

Imprisonment as retribution implies the payment of a debt to society for one's offense. The very crimes that we are most anxious to prevent—murder, rape and other crimes involving cruelty and violence—are those for which society can never exact adequate compensation by retribution. It is wrong for the offender to believe that it is possible to pay a debt to society for the commission of these crimes. Payment of a debt carries the implication that one is free to start running up a new account. This is all too often a view of prisoners who have served out the full length of a heavy, retributive sentence to imprisonment.

Over 95% of those prisoners incarcerated at Montana State Prison will eventually be released. While many offenders are held in prison for long terms, the median time served by those released in the United States in any given year is less than two years. Consequently, it would appear that the greatest protection can be afforded to society by effectively rehabilitating the inmate so that upon his release he will become a productive and law-abiding member of that society.

¹ Wisconsin State Department of Public Welfare, *Prisons Are Not All Failures*, p. 6.

Experienced penologists do not dismiss the idea of punishment. They recognize the fact that being sent to prison, however humanely it is operated, is punishment in itself and that it is impossible to make a prison so pleasant that the prisoners will not consider their imprisonment punishment. It is neither necessary or justifiable to add to the punishment inherent in loss of liberty, separation from one's friends and family, and the stigma of a prison sentence. Efforts to so add to this punishment tend to reduce the number of offenders who become law-abiding citizens on release and to increase the number who continue in crime. *A Manual of Correctional Standards* makes the following descriptive comment on rehabilitation:

Rehabilitation is not a vague, haphazard and loosely defined process. The essential elements of a well-rounded, correctional program of individualized training and treatment in an institution for adult offenders include the following: Scientific classification and program planning on the basis of complete case histories, examinations, tests and studies of the individual prisoners; adequate medical services, having corrective as well as curative treatment as their aim, and making full use of psychiatry; psychological and sociological services, properly related to the problems of education, work assignment, discipline and preparation for parole; individual and group therapy under the direction of psychiatrists, psychologists, or trained social therapists; employment at tasks comparable in variety, type and pace to the work of the world outside, and especially tasks with vocational training and value; education planned in accordance with the individual's needs and interests, with heavy emphasis on vocational training; library services, designed to provide wholesome recreation and indirect education; directed recreation, both indoors and outdoors, so organized as to promote good morale and sound mental and physical health; a religious program so conducted as to affect the spiritual life of the individual as well as that of the whole group; discipline that aims at the development of self-control and preparation for free life, not merely conformity to institutional rules; adequate buildings and equipment for the varied program and activities of the institution; and, above all, adequate and competent personnel carefully selected, well trained, and serving under such conditions as to promote a high degree of morale and efficiency.²

A Manual of Correctional Standards, which is quoted above, had as its consultants and contributors some of the most distinguished and experienced penologists in the nation.

The philosophy of incarceration for the purpose of reformation or rehabilitation is in accord with Article III, Section 24 of the Constitution of the State of Montana which provides:

Laws for the punishment of crime shall be founded on the principles of reformation and prevention. . . .

The following remarks explaining this section were made during the Montana Constitutional Convention, on July 18, 1889:

(That provision) means that the punishment for crime shall be with the view of reforming the criminal, and with the view to prevent in the future, his committing the same crime. Instead of incarcerating him simply as a punishment, without any other object in view than to simply punish a man in a kind of spirit of revenge, he is put there for the purposes of reformation and prevention.³

² The American Correctional Association, *A Manual of Correctional Standards*, p. 11—hereafter cited as *Manual*.
³ *Proceedings and Debates of the Constitutional Convention*, p. 125.

Rehabilitation as an Economy

To fashion a correctional institution for the custody, care and treatment of those imprisoned upon a basis of rehabilitation is not only humane and practical from the standpoint of protecting society but also releases society from the heavy financial burden of the custody of the inmate as well as certain attendant expenses.

A nationwide study of Aid to Dependent Children Families revealed that in Montana 1.8% of the A. D. C. case loads were families with a father in prison. An average monthly payment of \$117 to an A. D. C. family would point to an annual expenditure in this category of over \$56,000 a year in Montana. Also, to be considered, is the fact that the inmate is not a productive member of society and does not contribute to the total wealth or economy of the state, nor does he pay his share of taxes. We cannot ignore the considerable, indirect expense involved in law enforcement and support of the state court system. The present cost of maintaining a man at Montana State Prison at almost \$1,200 a year is the most apparent direct expense. Finally, is the cost of injury to property and person, by released "unrehabilitated" inmates. It is impossible, of course, to put a price on human life.

Inmates returned to Montana State Prison following the commission of a crime are a direct cause of a great drain on the state's finances. If an offender can be trained and educated in prison, his term can be shortened and the chances of a reversion to criminal habits and subsequent reimprisonment at the expense of the taxpayers will be markedly decreased.

Chapter II

INMATE EDUCATION

The most hopeful trend in prison work in America today is the growing realization that a term in prison can be made an educational experience. . . .⁴

The Montana Legislative Council was directed by Senate Resolution No. 6 to devise "an overall educational program covering both illiterate prisoners needing instruction in reading and writing and literate prisoners needing academic and special occupational or vocational instruction."

ACADEMIC AND GENERAL EDUCATION

Every person should have a certain minimum of knowledge and educational experience in order to earn a living and be accepted by society. The lack of this knowledge and experience was often an important contributing cause in the failure of a prison inmate to adjust to the standards established by society. It would seem, on a basis of demonstrated need, that the educational wants of prison inmates are far greater than of any other group.

While an attempt at academic education has been made at Montana State Prison, it would not be an overstatement to characterize the program as "totally inadequate."

Prior to November, 1957 the only academic education available to the men at the prison was an unsupervised State Correspondence School program. Such a program was offered exclusively to students of high school level or above, and excluded those who were in need of a primary education. There are presently about thirty inmates participating in these correspondence courses.

The present curriculum, in addition to the State Correspondence School courses, is composed of three grade levels: beginners, fifth and eighth.

The teaching staff is comprised of three inmates who have no former teaching experience or training. A few text books and supplies are available. In May, 1958 there were six students enrolled in the beginner's class, seven in the fifth grade class and seven in the eighth grade class. These students receive no recognition or academic credits for their work.

The schoolroom at Montana State Prison is a refurbished potato cellar equipped with salvaged mess hall tables and benches. The room, even in view of the limited program conducted there, falls far below acceptable standards. Its most serious deficiency is totally inadequate lighting.

Needs in the Educational Program at Montana State Prison

The first and greatest need is a qualified educational director or instructor. This person would be responsible for conducting classes at various levels and for planning an expanded program to be executed as funds and facilities become available. He would be an experienced teacher, certified in either elementary or secondary education and would be prepared to teach both beginners and advanced students. The Department of Public Instruction has given their assurance that there would be no problem in regard to certification of this instructor. That

⁴ Sanford Bates, quoted in *Prison Administration—An Educational Process*, eds. Wallack and Briggs.

is, when a system is devised under which credits are awarded to the inmates upon completion of certain prescribed courses of study, both elementary and secondary credits will be recognized as long as the instructor is certified in at least one of the two areas.

In order to obtain a man with sound professional preparation it will be necessary to pay a salary at least comparable to those paid on the outside. A capable educational director could probably be obtained for sixty-five hundred dollars (\$6,500.) a year on a full year basis. The other expenses involved in this program would not be great since the element of competent instruction will fulfill the greatest need. An additional four thousand dollars for the biennium would probably be necessary for books and supplies. If inmate attendance averaged 20, less than 4% of the prison population, the per student cost of maintaining this program would be less than the per student cost of the average Montana High School.

Athletic Education

There is a distinct need for a physical education program and additional supervised athletic activity at the prison. There is presently no organized athletic program. The inmates have expressed much interest in boxing, but there have been few matches recently.

There are no adequate athletic facilities at the prison. An outside basketball court which can be used only during warm weather and an outside boxing ring which is subject to the same limitation, comprise the present facilities within the prison walls.

The athletic program should include not only an active intramural program in year round sports such as touch-football, softball, boxing and basketball but could be extended to include contests with outside teams. It is believed that this sort of program would do much to lower the tensions presently existing at the prison.

Prison Library

The library is housed in a long narrow room about 45 by 15 feet. In the center of the floor are a large printing press and type cabinets.

After a first glance at what appears to be an adequate, extensive library, the poor quality and selection of the collection becomes apparent. Most of the technical books are outmoded and the fiction and general reading material probably has little or no appeal to the average inmate. A book on banking carries the copyright of 1893; one on concrete making, 1903. The secretary of the Montana State Library Extension Commission estimated that 60% of the books could be withdrawn as expendable. The library is under the supervision of an untrained inmate.

It is recommended that the educational director be placed in charge of the library and that every effort be made to enlarge and improve the collection. The books should be made available to all inmates not subject to disciplinary measures.

Inmate Recognition

An essential phase of prison education is the recognition of an inmate student upon satisfactory completion of a prescribed course of study. This recognition is important for two reasons. First, the inmate experiences a feeling of personal achievement when a course has been completed by him. To the average inmate such recognition is very important. The second reason is the intrinsic value of such a certificate upon release from prison. Once a qualified instructor is employed by the prison, arrangements can be made to award certificates or diplomas, either from the Department of Public Instruction, one of the local schools, or the school of the inmates' origin.

At the present time, diplomas can be obtained by correspondence courses, but no professional assistance is available and consequently the percentage of inmates participating is relatively small.

The Superintendent of Public Instruction has given assurance that arrangements could be made for granting diplomas. This would enable an inmate to complete a full high school course while in prison under the direct supervision of a qualified instructor and receive a diploma directly useful to him for adjustment after discharge. It is believed that such a program would ultimately save the state money by diminishing the percentage of returnees who are unable to adjust satisfactorily to society upon release from prison.

Classification

It should be pointed out here, that prior to the initiation of any educational program, either academic or vocational, the classification system needs to be improved and expanded. Procedures and tests must be established to determine the intellectual capacity, vocational ability and interest of the inmate before an educational program can begin. A qualified classification officer working under the Associate Warden, Classification and Treatment is essential. The need for a clinical psychologist, who could execute these duties, is discussed further in the chapter dealing with the medical facilities at the prison.

VOCATIONAL EDUCATION

The ultimate goal of a program of vocational training in the correctional institution is the satisfactory adjustment of the released prisoner as an acceptable member of free society on his job, in his home, and in his community. A similar purpose is also served by the program in its contribution to the satisfactory adjustment of the prisoner during his period of institutional incarceration.

Vocational education aims to equip men with the skills necessary for earning a livelihood. But properly organized, it can accomplish much more. Under the leadership of a capable trade instructor men may learn painlessly because of motivating interest in the trade, many of the essential elements of acceptable living. They develop self-confidence, pride in good workmanship, responsibility, ability to work harmoniously with others, cooperation with and respect for the instructor and a sense of belonging in the world of skilled workmen. Hence the vocational shop, in addition to meeting the need for the development of vocational competency and thus increasing the chances for success on parole, also supplies an ideal locale for the teaching of social education because men are expected to follow daily many principals of behaviour which social education attempts to teach in a more formalized and restricted atmosphere of the classroom. The vocational shop provides social education in action.⁵

A special study made by Davis McEntire, Ph.D., Research Sociologist, School of Social Welfare, University of California, Berkeley, California, of the differences observed between 100 parole violators selected at random from Folsom Prison and 100 Folsom non-violators selected at random indicated that: (a) the non-violators made much greater use of educational opportunities in prison than did the violators. (b) a significant number of the non-violators learned trades in prison which they followed while on parole but not one of the violators did so.

⁵ *Manual*, pp. 296-297.

Studies made by Robert P. Feigen, Correctional Classification Officer IV, California Institution for Men, of 100 inmates selected at random and having acceptable trade skills acquired in the various vocational training programs at that institution demonstrated: (a) that the violation rate for vocational trainees of acceptable competency was approximately one-half the mortality rate for untrained, institutional parolees in general, and, (b) employment in fields related to the specific, vocational training received approximated 25-50 per cent. This is comparable to the placement of trainees of private and public agencies.

There is presently only a "hit and miss" vocational training plan at the Montana State Prison. The shops are supervised by unskilled or semi-skilled inmates or guards, employ obsolete equipment and only provide practice in the repetitive production of shoes, guard uniforms and inmates clothing. One shop is devoted to the repair of toys, another to refinishing furniture and are only remotely related to genuine vocational training.

Courses in auto mechanics and upholstering have been started. While these "pilot programs" are commendable, both suffer from the disadvantages of inmate instructors, inadequate equipment and facilities, and lack of supervision. The organization of an educational program around inmate teachers has serious drawbacks. The program is developed in terms of the talents of the instructing inmates rather than in terms of the needs and interests of the men.

Any vocational education program inaugurated at the Montana State Prison is necessarily contingent on two principal requirements: adequate equipment and space, and qualified teaching personnel. Neither of these things now exists.

Equipment and Space

It is difficult to plan for a vocational training program in terms of space until the overall building needs are evaluated. This evaluation would include a long-range building plan. Upon completion of the new minimum-security building on the prison farm additional space at the main prison could be made available for shops and prison industries. However, since the facilities within the walls do not lend themselves well to conversion to shops, it is not believed that the expenditure of a great amount of money here would be merited.

Upon completion of the new building, over one-half of the prison population will be housed outside of the walls with some prospect for additional inmates being transferred out after completion of additional buildings at the new site. Consequently, the best location for the vocational training facilities would be at the farm.

It is believed that the participation of inmates assigned to the new building is important for two reasons. First, they will be isolated from the activity at the main prison and will need some diversion. A vocational training program would be more fulfilling from the standpoint of both the inmate and administration than the "rock picking" projects which formerly occupied these men at the prison farm. Second, these "minimum-security" men would be as receptive to a vocational training program as any group at the prison and would be excellent prospects for rehabilitation.

After the movement of the minimum-security prisoners to the farm, additional space can be made available within the main prison to temporarily accommodate the needs of the men confined there until a complete relocation of the population has been effected.

If the vocational education program meets the standards established by the Department of Public Instruction, surplus government property will be available. Under the surplus property program it is often possible to acquire equipment such as lathes, milling machines and testing apparatus for as little as 10% of the actual value.

Teaching Personnel

The key to any successful educational program is the instructor. Men who are competent craftsmen as well as qualified instructors must be engaged at the outset if the program is to succeed.

The director of the program should be a certified, vocational education instructor with a journeyman's rating in one or more crafts. A salary of \$6,500. would attract such a person.

Recognition for Trainees

It is highly desirable that formal recognition or certification be given an inmate reflecting his achievement. A descriptive certificate awarded upon completion of a given course is one possibility. Of more practical value would be recognition of an inmate's training by the union representing the craft in which the work was done.

The Montana AFL-CIO has presented a plan which would enable a released inmate to receive credit for all properly supervised work while incarcerated. Placement with the local union in the former inmate's home town would be made and his apprenticeship could be continued upon release. Journeyman's ratings could be awarded prior to release, if the required apprenticeship were served. The Executive Board of the Montana State AFL-CIO, on June 20, 1957, resolved:

"That we favor and will participate in apprenticeship training courses in any of Montana's Custodial Institutions where it would promote rehabilitation of juvenile or adult offenders.

This resolution was subsequently approved by convention action.

Relation to Prison Industries

The area of vocational training is closely allied to the prison industries program. However, they are not one and the same thing. The principal product of the vocational training program is "the man" although the shops are usually handed the responsibility of maintaining the physical plant. The industries program, while having rehabilitative value, is aimed at occupying the inmate during his confinement and the manufacture of useful products. For this reason and others, the prison industries program will be discussed in a later chapter.

* * *

It was of interest to discover that problems relating to the education of inmates at Montana's Prison were being discussed before Montana was admitted to the union. It is also of interest that little or nothing has been done in the 70 years since the need for inmate education was so well defined in a speech from the floor of the Montana Constitutional Convention on July 22, 1889, by George A. Stapleton, Delegate from Silver Bow County.

For instance, I believe that every convict, while he should not be brought into competition with honest labor, should be compelled to learn and follow some useful calling. I believe that nine out of ten convicts are placed in the penitentiary for the reason that they have never been taught to work and never been taught a trade and have never been taught enough to make them useful members in the community of which they live, and I believe that every man in the penitentiary who is placed there for a year or more should be taught some useful occupation; the first care that should be exercised over him should be to teach him some useful trade or occupation, so that when his time has expired and he is turned into the world again he will not be turned into the world as a hoodlum, all the time thinking of vice and folly, and thinking what he will do when he gets out, but that he will be ready to follow some honest, industrious pursuit; and if he has learned some trade, when he gets out he has got something that he can make a living at. You give him a chance.⁶

⁶ *Proceedings and Debates of the Constitutional Convention*, p. 206.

Chapter III

PERSONNEL

No warden can be successful unless he has competent and adequate aids, whether they be uniformed guards, deputies, psychiatrists or teachers. These men, the backbone of an institution, should receive necessary instruction before assuming their duties, be paid adequate salaries, be protected by civil service, and promoted on the basis of merit. Subjecting employees to the whims of politicians, with dismissals after each election, hardly helps morale. . . .⁷

The Montana Legislative Council was directed by Senate Resolution No. 6 to study, review, recommend and submit proposed legislation in regard to an administrative plan with long-term tenure in office for competent, qualified personnel.

At the very core of the recent disturbances at Montana State Prison was the personnel situation. It is generally agreed upon by prison authorities that even a prison hampered by an inadequate physical plant can be well run if it is staffed by competent, willing and satisfied employees. The cumulative effect of institutional experience may be constructive or unwholesome. High caliber personnel are important because, whether he wills it or not, every guard, work supervisor and teacher exercises an influence on the inmates.

A number of guards and officers were questioned in regard to their work. It is apparent that they are suffering from impairment of morale, because of the instability and inefficiency of the custodial force and the low estimate apparently placed on their services by those controlling the salary schedule. As a result of an inadequate salary scale a high caliber of personnel is not attracted to employment at Montana State Prison.

The year 1957 was begun with 65 employees and ended with 107. Sixty-six employees terminated employment during that year. This represents a turnover of more than 76%. In the main, the unfortunate personnel situation that exists is the result of unsatisfactory employment conditions.

Inmate-Staff Ratio

As of May 1, 1958, there were 80 persons employed in the area of custody and discipline. The inmate population is approximately 600. The resulting ratio is 7.5 inmates to one officer. The ratio a year earlier was 14 to one, there being about 44 persons in the custodial force at that time.

Because of either a personnel shortage or improper utilization of existing personnel, the guards at Montana State Prison regularly work an extra eight hours each week plus all holidays without compensatory pay.

Inadequacy of Salary

The inadequacy of salaries has been a primary reason why it has been impossible to recruit and retain a sufficient number of fully qualified correctional officers. Below are shown the present pay scales for various employees. (Column A.) Because commissary privileges, valued at approximately fifty dollars (\$50.00) a month, are allowed to married custodial personnel and because the warden and single custodial personnel receive full maintenance, an adjusted salary reflecting these emoluments is also shown. (Column B.)

⁷ Lewis E. Lawes, Former Warden, Sing Sing Prison, writing in *Encyclopedia of Criminology*, 1948.

	Column A	Column B
Warden	\$7,500	\$10,000
Associate Warden	\$5,400	\$ 6,000
Business Manager	\$5,400	\$ 6,000
Lieutenant	\$3,900-\$4,320	\$4,500-\$4,920
Sergeant	\$3,720-\$3,900	\$4,320-\$4,500
Correctional Officer	\$2,940-\$3,240	\$3,540-\$3,840

The variations in salaries of the last three positions are the minimum and maximum salaries obtainable in each class.

A comparison of salary standards in progressive penal institutions reveals that the pay scale employed at the Montana State Prison is sub-standard. Rather than detailing this comparison with other institutions, however, a comparison with the Montana Highway Patrol is shown:

Lieutenant	\$ 5,100
Sergeant	4,800
Patrolman	4,500
Probationary Patrolman (First Year)	3,600

Because of some similarity in the nature of the employment of Correctional Officers and Highway Patrolmen, it is believed that a recommendation to increase the salaries of the former to equal that of the latter would be valid. Both occupations involve an element of danger and require a certain stability of character. Furthermore, the salaries of the Montana Highway Patrol are geared to the economy of Montana. It is also worthy of mention that the minimum monthly salary of members of the police departments in Montana's first and second class cities is \$350 per month.

Suggested Salaries:

Warden	\$ 8,400
Associate Warden	\$ 7,000
Business Manager	\$ 7,000
Captain	\$ 5,400
Lieutenant	\$ 5,100
Sergeant	\$ 4,800
Correctional Officer	\$ 4,500
Probationary Correctional Officer (First Six Months)	\$ 3,600

The prison records were checked during July, 1958 and revealed that eleven persons employed at the prison were receiving unlimited privileges at the commissary. These persons include the storekeeper, assistant storekeeper, chief clerk and other comparatively low echelon employees. The wholesale value of the goods, received ran as high as \$150 per month per person. An increase in salary would make possible the elimination of commissary privileges, the attendant administrative bookkeeping and occasional employee abuses. The Warden should continue to receive full maintenance, however, and several higher echelon employees, such as the associate wardens and possibly the business manager and key ranch personnel could continue to receive commissary privileges. Other employees housed in state-owned facilities or taking meals at the Prison would be charged accordingly.

The sample law attached as *Appendix A*, which is further discussed below, provides for the pay scale set out above. This bill, if enacted, would not become effective until July 1, 1960. This delay is provided to enable the administration to stabilize and improve the caliber of the personnel prior to the time that statutory personnel safeguards go into effect. However, prior to the effective date of the law, salaries should be increased to conform to the scale set out above to enable the administration to recruit competent, high caliber personnel.

The May, 1958 Prison payroll showed the following salaries in the area of custody:

	<u>Number</u>	<u>Monthly Aggregate Salary</u>
Correctional Officers	69	\$ 18,395
Sergeants	6	\$ 2,185
Lieutenants	5	\$ 1,670
TOTAL		\$ 22,250

Applying the suggested salary scale to the same number and class of custodial employees, the following results are obtained:

	<u>Number</u>	<u>Monthly Aggregate Salary</u>
Correctional Officers		
(Non-probationary status)	69	\$ 25,875
Sergeants	6	\$ 2,400
Lieutenants	5	\$ 2,125
TOTAL		\$ 30,400

The difference between proposed and present salaries does not account for the savings to the institution of approximately \$30 per man in commissary privileges and board and room, or \$2400 per month for all custodial personnel.

It should be pointed out that when a 40-hour work week is attained, a proportionate increase in salaries would result. Below is the staff necessary to attain a 40-hour week for custodial employees with salary totals shown:

	<u>Number</u>	<u>Monthly Aggregate Salary</u>
Correctional Officers	84	\$ 31,500
Sergeants	8	\$ 3,200
Lieutenants	6	\$ 2,550
TOTAL		\$ 37,250

Thus, the additional monthly cost would be \$15,000 or \$360,000 for the biennium if the proposed salary scale were adopted and if enough additional men were hired to enable the custodial force to observe a 40-hour week. If the salaries of the Warden, two Associate Wardens and Business Manager were raised to the suggested level, the total additional cost for the biennium for all salary increases suggested above, with the same number of employees, would be \$371,400. Deducting the \$2,400 monthly savings to the institution in commodities distributed by the Commissary, the approximate net additional cost for the biennium would be \$313,800. There would be some related increases in administrative expense, such as employer's contribution to Social Security and Public Employees Retirement System, which should be included in the Prison Budget. Costs would also be increased proportionately if new positions were created, however, this report does not include recommendations to increase custodial personnel beyond those needed to attain a 40-hour week. A recommendation to increase the number of personnel needed to staff the new housing unit will undoubtedly be contained in the prison's budget requests.

If such a salary scale were adopted, employees in the clerical and maintenance areas should eventually receive increases in compensation commensurate with that scale.

Tenure and Job Security

There is a prevailing uneasiness among personnel at the Prison because of the absence of tenure or job security. From the Warden down to the lowest class of employee there was an unanimity of agreement that more assurance of continued employment should be provided.

The employees feel that their jobs are subject to the Warden's term of four years in office. This condition not only has a detrimental effect on employee morale and efficiency but would seriously impede a progressive recruitment program for qualified career personnel.

Because of their insecurity and the unsatisfactory employment conditions generally, the officers are quick to resign to accept more remunerative employment. This results in a large percentage of inexperienced personnel who are not able to foresee or forestall discipline infractions. The more experienced officer would detect the oncoming symptoms of those disciplinary problems and would take appropriate preventive measures. Furthermore, the inexperienced or untrained officer usually lacks self-confidence and is inclined to be timid in his relations with the inmates.

A proposed act which would remedy this situation is attached as *Appendix A*.

Additional statutory safeguards are needed to stabilize the position of Warden. It is believed that by eliminating the present four-year term and requiring certain standards of qualification along with an increase in salary that the position of Warden at the Montana State Prison is more likely to attract competent, professionally qualified applicants.

Since much of the tone and atmosphere of an institution will be a reflection of the personality and leadership of its chief executive officer, it is of paramount importance that he be a man of unusual capacity, not only in the field of administration but also in the more specialized aspects of correctional administration. Other things being equal, it is questionable that any person can safely be appointed to head a correctional institution without a minimum of five years of experience in a subordinate position of responsibility in a similar organization. There have been some notable exceptions to this rule, but there are few administrative positions in government where knowledge, experience, insight and sensitivity to special situations are so important as in this particular type of position. No state correctional system can be said to be built on sound foundations which does not anticipate the appointment of most of its institutional heads either by promotion or by seeking better qualified and more experienced persons from other correctional systems.⁸

A bill which would stabilize the position of warden is attached as *Appendix B*. To eliminate the possibility of a question arising as to the applicability of this bill to the present warden, it is recommended this bill be passed and approved by the Governor before the Senate confirms the appointment of the present warden. After this bill becomes law, the Board of State Prison Commissioners should approve the appointment previously made by the Governor and submit the appointment to the Senate for confirmation.

Necessary Revision and Repeal of Existing Laws

If the sample act attached as *Appendix A* is enacted, the following section should be amended: (See *Appendix C*)

Section 80-706, R.C.M., 1947—Duties of warden. The warden has power to appoint and remove all necessary guards and assistants, in and about the prison, subject to the approval of the board as to the number appointed.

Section 80-714, R.C.M. 1947, which provides that employees of the state prison shall not work more than 48 hours or six days a week, should be amended as shown in *Appendix D*.

* * *

The importance of a sound personnel system is summarized in *A Manual of Correctional Standards*, as follows:

Personnel efficiency, pride in employment and professional dignity are to be attained through proper organization, selection and training. Without proper employment conditions, personnel incentive will be lacking. The alternative is a mediocre staff, an impotent source of supervisory and administrative staff, a high rate of turnover of employees, low morale and, in general, a poorly operated correctional facility.⁹

⁸ *Manual*, p. 51.
⁹ *Manual*, p. 188.

Chapter IV

HEALTH AND MEDICAL SERVICES

The great majority of prisoners will be returned to society-at-large. A primary purpose of incarceration is to assist them into a more useful and law-abiding way of life. In this effort the medical and allied sciences have the potential to play a significant role in which the principal concerns are removal or correction of handicaps imposed by poor health, the prevention of the development of crippling disability and the re-training of distorted personal and delinquent habit patterns into more acceptable grooves.¹⁰

Medical Staff

The medical staff at Montana State Prison, with a current population of approximately 600, consists of the following personnel:

The services of one local doctor for two afternoons a week plus emergency calls.

One local dentist for one afternoon a week.

An optometrist two afternoons a month.

Three inmate medical attendants who are also responsible for janitorial duties.

The American Correctional Association suggests the following minimum medical staff for an institution of approximately five hundred inmates:¹¹

One full-time chief medical officer who is well grounded in, or at least sympathetic with psychiatry.

One full-time assistant medical officer, conversant with the fundamentals of psychiatry.

One full-time clinical psychologist.

“Free” clerical personnel as necessary to handle confidential data.

One full-time dentist.

Seven to ten medical technical assistants and/or nurses trained and experienced in the pertinent aspects of such medical technique as nursing, pharmacy, x-ray, clinical laboratory, administrative assistant duties, and custodial supervision, distributed as follows: one in-patient post (five individuals), one operating room nurse, one or two in the out-patient clinic, one in the laboratory, and one in a relief position.

A sufficient number of inmates to carry on their part of such duties as ward attendant (practical nurse), porter, laborer, technician’s helper, food service worker, clerk, etc.

An adequate staff of consultants, recruited from practitioners in nearby communities, on either a contract or “industrial fee” basis.

Each institution should have the benefit of a consultant staff composed of at least the following, if available:

Dermatology	Pathology
Ear-nose-throat	Psychiatry
Eye	Psychology
Internal medicine	Surgery
Neuro-surgery	Urology (gynecology)
Orthopedics	X-ray

¹⁰ Manual, p. 216.

¹¹ Manual, p. 223.

PRESENT PRACTICES

General Medicine

According to some testimony, certain drugs, (both surface applications and injections) are administered by, and some intravenous feeding is done by the three untrained, inmate attendants.

Two afternoons a week, during the doctor's visit, a sick call is held and an average of 25 inmates are seen by the physician.

There is no regularly scheduled, daily sick-line. The ill inmate must first find the Watch Lieutenant and express his need for treatment and then be escorted to the hospital. Diagnosis is made by the inmate attendant. In cases of extreme emergency the physician is presumed to be available at any hour. Due to conflicting civilian clientele schedules, however, time lapses are often considerable and occasionally the treatment, such as closing wounds by suturing is actually done by the inmate attendant prior to the physician's arrival or notification.

There are no physical examinations for new arrivals, nor is the prisoner examined for body vermin. There is no initial X-ray program nor psychological testing. Men suspected of being mentally ill are not segregated except in violent cases, but are mixed with the prison population.

Inmates in segregation or isolation, who are sometimes on restricted diets of bread and water, are never medically examined except at their own request.

Hospital

The hospital is a nine bed facility and could not accommodate more than fifteen bed cases in the event an epidemic of any proportion occurred. The American Correctional Association recommends that an in-patient department of a prison hospital should have provision for caring for three to seven per cent of the inmate population. These percentages applied to the Montana State Prison would require a total of 20 to 45 beds.

Prior to September 1, 1958, a combination first aid and dispensary, attendant's office, dental office and waiting room served also as an operating room. The sick call waiting room and attendant's office have been relocated; however, the operating room remains inadequate. Forty-five to fifty major surgeries are performed here yearly without the assistance of a trained nurse and under unsanitary conditions.

The "T B Clinic" is an unsanitary, poorly lighted tower in the number one cell block, requiring tubercular inmates to climb two flights of stairs to their sleeping quarters.

The "laboratory" is inadequate, only providing facilities for taking white blood counts and urinalyses.

Dentistry

The institution's dentist visits the prison one afternoon each week, the length of his stay varying from thirty minutes to three or four hours. An inmate in need of dentures is required to pay for them himself if he has the funds. Those without money are placed on a roster which usually requires a prolonged waiting period. The one or two sets of dentures per month given to inmates on this roster are paid for from the inmates' welfare fund. This fund is principally derived by levying a ten per cent tax on sales of leather work, or the products of other crafts performed by inmates. In other words, the inmates that produce the craft work finance all dentures for inmates without funds. An Associate Warden in charge of Classification and Treatment estimated that 100 inmates are in need of dental care.

Eye Care

The optometrist visits the prison one afternoon every two weeks and is usually able to examine between four and eight inmates during each visit. Due to a backlog of requests for examinations, there is a waiting period before the inmate can get his eyes tested and frequently another prolonged period before he is given glasses.

RECOMMENDATIONS

General Medicine

The Legislative Council does not propose the adoption of the American Correctional Association standards set out above. However, to provide a bare minimum of adequate medical care, some additional personnel are required.

It is believed that the existing medical needs of six hundred inmates could well occupy the services of a full-time physician. The services presently being rendered are negligible and yet the prison is probably paying one-half of the cost of a good medical program with a full-time physician. Apart from the obvious needs of the inmates themselves, which are pointed out above, there are additional reasons why a full-time doctor would be desirable. The following list shows some additional badly needed services which could be performed by a full-time physician.

1. Physical examination of each inmate upon admission and discharge
2. Periodic examination of all inmates during term of confinement
3. Physical examination of all personnel
4. Service on the Classification Committee
5. Monthly sanitary inspection of the institution
6. The establishment of adequate medical records for each inmate
7. Assistance in the preparation of menus and supervision of food preparation.

The present prison doctor receives five hundred dollars per month for his two weekly visits and emergency calls. This is probably at least one-half of the cost of a full-time doctor.

A civilian male nurse should be added to the staff who could run the hospital and administer first-aid during the physician's time off. This man should have some X-ray and laboratory experience. The addition of a medical technician to the staff would also be desirable.

Dentistry

It is recommended that a full-time dentist be retained by the prison. The dentist presently employed at the institution receives two hundred and fifty dollars a month for his weekly afternoon visit. This is possibly one-third of the cost of a full-time dentist.

An effort should also be made to provide for the manufacture of dentures at the prison. This could be done for a fraction of the cost of the dentures now being manufactured on the outside, and would serve as a valuable addition to the vocational training program. The cost of inmate dental needs should be paid by the state and not from the inmates' welfare funds.

Hospital

A new hospital is needed which should include isolation facilities and padded cells. This need will be further discussed in chapter VII, "The Physical Plant." In the event facilities for major operations are not made available, arrangements might be made for the temporary transfer of inmates to the State Tuberculosis Sanitarium for such surgery.

Eye Care

The need here is probably less extreme than in any other area. However, the optometrist is of the opinion that the eye care of the inmates could be greatly improved at little cost. He proposes that the prison purchase a "Visual Screener" which would cost in the neighborhood of two hundred dollars. This could be operated by a trained inmate and could be used to test the entire population periodically. If the results of initial testing showed any visual defect the optometrist would conduct a more extensive examination.

Psychological Care

There is an urgent need at the prison for a full-time clinical psychologist. The addition of a psychologist to the staff is believed imperative if the Classification and Treatment Program is to succeed. He would work for and with the full-time medical officer.

The duties of the clinical psychologist would be to:

1. Conduct diagnostic examinations and write reports for the prison administration and for the Board of Pardons
2. Assist the Classification Committee
3. Offer professional opinions on matters of transfer, discipline or unusual behavior
4. Conduct a program of limited individual therapy and, possibly, group therapy
5. Educate staff personnel in human relationships and in the values of psychiatry and psychology
6. Engage in research and public education.

"Rehabilitation is not some vague, haphazard and loosely defined term. Its essential elements are well known and include individual and group therapy under the direction of psychiatrists, psychologists and trained social therapists."¹²

Religious Program

Presently, there are two chaplains, one Catholic and one Protestant, working in the three Deer Lodge Valley institutions. The total salaries are \$10,400 annually which are borne by the three institutions on a per capita basis.

These two chaplains devote approximately two and one-half days each week to the prison plus the Sunday services. The Governor's Chaplaincy Advisory Committee has recommended that two full-time chaplains be assigned to the prison, leaving two to service both Warm Springs and Galen. This recommendation should be considered by the prison administration. It is suggested, in the alternative, that the possibility of employing one full-time non-denominational institutional chaplain at the prison be explored. Either plan would involve some additional cost to the State.

No recommendation in regard to the possible need for additional chaplains is made by the Legislative Council.

¹² Austin McCormick, "The Prison's Role in Crime Prevention," in *General Criminal Law and Criminology*.

Chapter V

MONTANA STATE PRISON RANCH

Senate Resolution Number 6 directed the Montana Legislative Council to study, review, recommend and submit proposed legislation to the Thirty-sixth Legislative Session of Montana, designed to build a long range agricultural program aimed at meeting future needs, including rehabilitation.

GENERAL ORGANIZATION

Buildings and Equipment

Food processing facilities which could be either a frozen food storage plant, a food canning plant or a combination of both, should be provided to enable the farm management to make better use of seasonal food products by proper processing and storage.

It is recommended that a feed processing plant be constructed. This plant would grind, mix and prepare feed for all types of livestock and poultry. The estimated cost is \$7,000.

A well equipped farm shop is urgently needed. This shop should include a metal working area, with such equipment as arc and acetylene welders, a lathe, a forge, power hack saw, a drill press and related tools. It should provide a machinery repair area where tractors and implements could be repaired, cleaned and serviced. Also, in this shop, should be wood-working and painting areas. A valuable supplement to the shop would be a repair truck equipped with tools, spare parts and materials to enable the repair of machinery in the field. This shop would be a part of the transportation building referred to in Chapter VII, "The Physical Plant."

Buildings or equipment related to specific phases of the ranch operation are referred to in context with the particular subjects.

Personnel

For the prison ranch to be properly managed and profitable to the State of Montana it is necessary that several full time supervisory personnel be employed. These employees should have adequate salaries to insure long and continuous employment. They should be well qualified by training and experience and should be prohibited from ownership of any livestock or produce on the prison ranch. Supervisory personnel would report and be responsible to the warden and or business manager, preferably, only one, as administratively decided. The supervisory personnel are expected to call in at any time they deem necessary, the aid of specialists from the Montana Agricultural Extension Service or the Montana Agricultural Experiment Station.

Following is a list of necessary personnel and a summary of the phases of ranch management and duties they would supervise:

A full time ranch manager with residence on the ranch preferred. He should be trained and experienced in ranch management and personnel management. He would supervise the ranch operation and would be responsible for maintaining financial and production records. He would be responsible for planning the general organization of the ranch and for implementing the long range development plan. He would supervise training programs for the inmates in all specialized work where skilled training is necessary. Estimated salary—\$6,500 annually plus full maintenance.

A livestock foreman with ranch residence preferred who would be trained and experienced in livestock production and would be in charge of production of beef cattle, swine and poultry. He would keep all records of production and report them to the ranch manager to whom he would be responsible. Estimated salary—\$5,000 plus full maintenance.

Horticultural Crop Foreman, trained and experienced in producing, processing and storing horticultural crops. He would be responsible to the ranch manager and would plan, operate and direct the production of these crops as well as to assure an adequate, year around variety of horticultural products for the prison kitchens. In addition, he would be responsible for all food storage. Estimated salary—\$5,000 plus full maintenance.

Farm Foreman with residence on the ranch preferred who would plan, outline and direct the production, storing and handling of all hay and grain crops and pastures and would be responsible for irrigation and other water usage. He would also provide for periodic soil analyses and would be responsible for fertilization, crop rotation and other agronomic practices. Estimated salary—\$5,000 plus full maintenance.

Farm mechanics foreman with training in the operation, repair and maintenance of farm machinery. He would see that all farm machinery was kept in good repair and would conduct training programs for prison labor on the operation, repair and maintenance of farm machinery. Estimated salary—\$5,000 plus full maintenance.

While several of these could be classified as "new positions", all five would be filled by existing prison personnel or replaced personnel.

SPECIFIC AREAS OF RANCH OPERATION

Beef Cattle

The present carrying capacity of the prison ranch is a 600 cow herd. This herd, by running the steers until they are two or three years old, will supply the prison with its total beef requirement (approximately 336 carcasses annually) plus about 239 carcasses for other institutions.

The above estimate of the beef requirements for the institution was based on the following data: During the fiscal year, 1957-1958, approximately 166,000 pounds of beef or about 316 head of cattle were produced, slaughtered and consumed by prison inmates, employed guards and staff. The per capita consumption is 241 pounds based on population varying from 682 to 720.

Based on a population of 720 at 240 pounds per capita (one-half pound for inmates inside, one pound for all others) 172,800 pounds of beef per year would be consumed. Three hundred thirty-two head at 1,000 pounds liveweight times 52% yield totals 172,640 pounds.

By developing irrigated pasture from presently irrigated crop and hay land, the carrying capacity can be approximately doubled. When this is realized 336 carcasses for the prison plus 694 for the other institutions can be produced. The following table is recommended for determining the numbers of beef animals by classes.

	Present Ranch Capacity	Fully Developed Ranch Capacity
Breeding females		
Cows	600	1200
Heifers—2 years	145	290
Calves, weaner	480	960
Bulls	30	60
Yearlings		
Hereford	480	960
Holstein	100	100
Two-year-olds		
Steers, Hereford	240	480
Steers, Holstein	100	100

Before the fully developed ranch capacity can be reached it is necessary that crop rotation programs be established, irrigation systems improved and that, where necessary, land be leveled, drained and fertilized. As the pasture production is increased (principally by the establishment of irrigated pasture) and feed production is increased (principally by crop rotation, fertilization and land levelling), the number of livestock can be increased in all categories. *It may take several years for the ranch to become fully developed and the increase in livestock should not be faster than the increase in feed production.*

The amount of feed required by the recommended numbers of livestock is summarized in the following tables:

PRESENT RANCH CAPACITY

	Size	GRAIN			HAY		SILAGE	RANGE
		Wheat (BU)	Oats (BU)	Barley (BU)	Grass (Tons)	Alfalfa (Tons)	Alfalfa (Tons)	Grass (AUM's)
Beef Cattle	600 Cow	....	....	....	1915	142	....	9636
Feeder Cattle	270 hd.	....	675	1440	86	....	....	....
Horses	20 hd.	....	....	....	81	....	....	90
Dairy Cattle	200 Cow	....	11666	16000	....	876	700	....
Swine	685 Pig	....	....	18660	....	185	....	....
Poultry	1200 Hens	....	....	....	....	....	....	....
	1200 Broilers	....	....	....	....	....	....	....
	1000 Turkeys	902	....	2555	....	....	....	....
Sub Total		902	12341	38655	2082	1203	700	9776
Produced at Warm Springs						—876	—700	....
TOTAL		902	12341	38655	2082	327	0	9776

FULLY DEVELOPED RANCH CAPACITY

	Size	GRAIN			HAY		RANGE	
		Oats (BU)	Barley (BU)	Wheat (BU)	Native (Tons)	Alfalfa (Tons)	Past. (AUM's)	Irr. Past. (AUM's)
Beef Cattle	1200 cow	.....	.....	.....	2272	1724	10060	10080
Feeder Cattle	540 hd.	1350	2900	.....	172	.....	.....	.....
Horses	40 hd.	.....	.....	.....	160	.....	180	.....
Dairy	200 cow	11666	16000	.....	.....	876	.....	.....
Swine	850 pig	.....	23000	.....	.....	423	.....	.....
Poultry								
Layers	6000	.....	7523	3600	.....	.....	.....	.....
Broilers	6000	.....	346	167	.....	.....	.....	.....
Turkeys	1000	.....	666	333	.....	.....	.....	.....
TOTALS		13016	50435	4100	2604	3023	10240	10080

As soon as possible, two feed-lots should be provided for conditioning cattle for slaughter during January through June. The total cost of the first two lots is estimated at \$2,968; for each additional two lots, \$1,963. These costs, however, are figured at ordinary retail prices. If the ranch is equipped with a sawmill and post-treating plant, the cost would be substantially reduced.

Dairy Cattle

The prison farm dairy, which was recently abandoned, was unsatisfactory and was producing milk of below standard quality from a sanitary standpoint. The outdated buildings and equipment were a cause, although conditions could have been improved by better management. There was some mastitis in the milking herd. Calf mortality was high, apparently caused by unsanitary conditions and overfeeding.

Records inspected showed a loss of approximately \$3,000 per month for the dairy operation.

It is recommended that, when the sound cows from the prison dairy herd have been combined with the dairy herd at the state hospital at Warm Springs, the prison dairy ranch, which is a non-contiguous tract, be disposed of and the money received from the sale used for developing the new ranch. The resale value of this ranch is estimated to be about \$45,000.

At the state hospital dairy, milk will be produced under the supervision of a competent herd manager and under sanitary conditions. This dairy can supply milk to the state hospital, the sanitarium at Galen, as well as the state prison. This capacity can be reached with the transfer of only 50 to 60 cows from the prison herd to the Warm Springs herd. At the present time the milking parlor at Warm Springs is not being used to capacity.

The only additional needs that Warm Springs will experience with the transfer of these additional animals is a 2,000 gallon refrigerated bulk milk tank and a temporary loafing shed for dry cows.

Swine

The present swine facilities at Deer Lodge are substandard, badly outdated and virtually impossible to keep sanitary. It is recommended that all present buildings and feeders be razed and that modern sanitary buildings and feed-saving equipment be established at a new location.

It is recommended that the prison ranch undertake to cross-breed on a three-breed rotational cross-breeding program, buying three boars each year of a meat-type breed, using them one year, disposing of them and buying a second breed the second year, a third breed the third year, and the first breed the fourth year, etc. This program could be accomplished with three physical units described below and would produce 650 to 900 slaughter animals per year.

It is recommended that the feeding program be limited to dry feeds because of the difficulty of maintaining sanitation and eliminating disease where moist feed is used. The quantity of garbage available at the prison does not warrant the development of adequate garbage feeding facilities.

Each of the three swine units would require:

- A. A 20 x 50 farrowing barn.
- B. A concrete slab and shed with a scales pen for year round feeding.
- C. A concrete slab shed for sows and boars.

It is estimated that the cost per unit will run about \$15,000 using prison labor and prison produced construction materials. Plans are available at the Montana State College.

The recommended swine enterprise is at present limited by the amount of feed that can be grown on the prison ranch. Eighty sows and 5 boars are suggested to produce 685 carcasses annually, an adequate supply for the prison. By developing the irrigated crop land by crop rotation and fertilization, sufficient feed can be produced to increase fresh pork production to 850 carcasses.

Poultry

Egg and broiler production recommendations are limited by the feed supply presently available. The production is, however, adequate for prison use and consists of 1,200 layers and 1,200 broilers. Here again, additional feed can be grown through proper cultural methods and the flocks increased to supply all of the institutions in the Deer Lodge Valley. A flock of 6,000 layers can be maintained which will supply all of the eggs required for three institutions and 6,000 broilers will furnish a substantial part of the fryer requirements.

No change is recommended from the present 1,000 head turkey enterprise. A portion of these turkeys are customarily consumed by the hospitals at Warm Springs and Galen in addition to the prison usage.

However, some immediate action should be taken for general improvement of the poultry operations. Proper facilities and equipment for dressing both turkeys and chickens should be provided. Scalding and picking equipment could be installed in the slaughter house. Some facility should be provided for storing of eggs at temperatures between 50 and 60 degrees Fahrenheit.

Long range plans for the poultry operation include concentrating the laying flock in an area near the minimum security building. This would require the construction of several 100 x 30 foot laying houses. Separate houses would permit starting flocks at different times and result in more uniform production of eggs throughout the year. The buildings could be built of materials now being manufactured at the prison.

Separate buildings and premises should eventually be maintained for brooding and growing replacement pullets. These facilities could be used to grow broilers or meat birds when not in use for growing replacement pullets. The estimated cost is \$3 per bird for a laying house and \$2 per bird for a broiler building.

Horticultural Crops

Twenty-three acres of vegetables are currently grown on leased land north of Deer Lodge and sixty-four acres of potatoes are grown at Ranch No. 1. The vegetables are grown for fresh use or are fresh stored. At the present time there is a surplus of potatoes, some of which are sold on the table stock market and some used for livestock feeding.

The following recommendations are made:

Plan on approximately 25 acres for the production of vegetables (excluding potatoes).

Increase the acreage to 40 as canning and processing facilities become available.

Consider moving the vegetable growing area to Ranch No. 1. There are indications that the soil in the present area is not well drained and that a salinity problem exists.

Construct a 25 x 100 foot plastic greenhouse on Ranch No. 1 for growing transplant vegetables. Provide necessary headhouse facilities and plan to allow for possible addition of more units. This greenhouse can be constructed for approximately \$1.50 per square foot.

Twenty-five to thirty acres of potatoes should be ample to supply the three valley institutions at the present population figure and production should be limited to this amount. High quality certified potato seed should be used and should be changed at least every other year.

Develop canning and freezing facilities for the preservation of fruits and vegetables as part of a general purpose food processing building.

Agronomy

Crop production and land use are summarized in the following tables:

PRESENT RANCH CAPACITY

Crop	AREA		Expected Yield	Total Production
	Irrigated Acres	Dry Acres		
Alfalfa	150		2.5 T	375 T
Oats	206		60 Bu.	12360 Bu.
Barley	314		50 Bu.	15700 Bu.
Barley	1150		20 Bu.	23000 Bu.
Wheat	61		15 Bu.	915 Bu.
Summerfallow	1211			
Potatoes	25		250 cwt.	6250 cwt.
Vegetables	25		160 cwt.	4000 cwt.
Grass Hay	2844		.75 T	2133 T

FULLY DEVELOPED RANCH CAPACITY

Crop	AREA		Expected Yield	Total Production
	Irrigated Acres	Dry Acres		
Oats	242		60	12640
Alfalfa	1126		5 T	3097
Native Hay				2604
Barley	1170		50	37550
Barley		653	20	13060
Wheat		240	15	3600
Summerfallow		893		
Potatoes	25		250 cwt.	6250 cwt.
Vegetables	40		160 cwt.	6400 cwt.
Irrig. Past.	1166		6 to 10 AUM	10080
Reseeded cropland		2257	.25 AUM	564 AUM

A. Crops in General

It is recommended that the farm abandon the production of wheat, unless it is needed for poultry rations. As all grain production is fed, there is no reason to produce wheat in any quantity on the dry land now in production. Even those areas that remain in dry land crops will produce a more satisfactory yield of barley than they will of wheat.

For adequate crop production, machinery of a type and construction should be purchased and maintained which will enable a more efficient and more timely program of planting, cultivating, harvesting and storing.

The acreage of irrigated land should be restricted in area to insure enough water to take the crops through the growing season. Full production on fewer acres, receiving at least one four inch irrigation per season, will result in high total production. Fields that have too great a slope or are too uneven to make efficient use of the available water should be diverted to irrigated pasture production to make possible erosion control and the efficient use of water.

It is extremely important that only Certified or Approved seed of the recommended varieties should be obtained for small grains. For the legumes and grasses only the Certified class of seed should be used. These classes of seeds will insure varietal purity, freedom from perennial noxious weeds and high germination.

The local county agent will advise as to locally available seed supplies or seed firms where reliable seed may be obtained.

B. Dry Land Crops

At least 50% of the dry land now under cultivation is best suited to forage production. The soil is light, subject to erosion and rocky. The rainfall pattern (9 to 10 inches) makes dry land soil crop production hazardous under the most efficient system of management.

The least desirable areas should be blocked out and seeded down to drought resistant grass that would produce feed for early spring pasture and possible late fall pasture.

The better areas that could be left in dry land soil production will produce more effectively under a system of strip-cropping installed with the strips running at right angles to the prevailing winds or at right angles to slopes subject to water erosion. Block farming should be discontinued.

C. Irrigated Crops

The production pattern of crops produced under irrigation is much better than under dry land. Legume and grass stands are in most cases adequate for the water available and replacement stands have been made at satisfactory levels. Alfalfa alone should be the main hay crop.

Low cost water and irrigation costs must be considered when decisions are made to improve land areas under irrigation. Long water hauls involving expensive ditch construction on land that carries too much slope, is shallow in depth, or too heavy to take water readily should not be considered for irrigation purposes until all suitable land has been brought up to maximum potential in production.

A short five to six year rotation program should be developed and maintained to assure maximum forage production at all times.

The least desirable units in irrigated land, those that are rocky and hard to irrigate, could be utilized for irrigated pastures as cow and calf units prior to turning out on the range.

D. Soils (Dryland)

Soils are generally deep, over sixty inches in depth. Occasionally there are some shallow spots with rocky or gravelly out-croppings. Texture of the soils ranges from medium to moderately heavy on the surface. Enough silt and clay is present to render the soil a potentially productive one. Soils have not matured because of a lack of rainfall and vegetative growth.

The soils have a moderate water holding capacity. Drainage is moderate to moderately slow. The dry land lies in a 9 to 10 inch rainfall belt which is insufficient to make the land suitable for dry land farming in the long run.

The soil is subject to wind erosion because it has been cultivated. Fields farmed in blocks have no protection during fallow season as stubble is light and worked into the soil. Strip cropping practiced on some fields is parallel to prevailing winds. This land was brought into cultivation within the last ten years. Even though the erosion is not serious today, it will become increasingly hazardous under continuous cultivation.

The bulk of the dry land cultivated area is class III, the erosion hazard and low rainfall being the major limiting factors.

It is recommended that approximately 50 per cent of the cultivated dry land be taken out of production and seeded to permanent grass.

E. Soils (Irrigated Land)

It appears that the lands under irrigation are utilized within their potential. The low lying permanently wet or poorly drained areas are in need of grass. These are used for hay production, pasture, or limited late fall grazing.

The irrigated soils are highly variable in depth. In general, they average between 20 to 48 inches in depth. The soils range from medium to moderately heavy and appear to have a higher moisture holding capacity than the dry land soils. The soils are well drained with little evidence of water logging or alkali accumulations.

A phosphate deficiency for alfalfa is known to exist on lands east of the Ranch No. 1 buildings, but is not definite on the bench lands producing alfalfa.

A short term rotation program with alfalfa, potatoes, possibly corn and close drilled grain crops is suggested. On fields east of the Ranch No. 1 buildings a 120 pound application of phosphoric acid is advised. All manure produced should be spread on the irrigated land. An 8 to 10 ton application per acre is advised.

Fields should be sampled periodically to determine organic matter and phosphate availability status. A detailed drainage study by the Soil Conservation Service should be made of the wet meadow lands. Adequate drainage and water control will permit cultivation and re-seeding to more productive forage crops. Drainage may also be a factor with the irrigated pasture.

Production of potatoes and other horticultural crops should be limited to those irrigated fields in the vicinity of the Ranch No. 1 buildings, particularly those fields to the east. These soils are best adapted in addition to longer freedom from frost injury.

Weed Control

A crop rotation program including a legume and a row crop would alleviate much of the present weed problem in irrigated fields now in crop. Corn grown for silage is a possible row crop. Alfalfa is being grown but with no definite rotation.

Spraying operations and cultivations must be timely to be effective. For effective use of 2,4-D and other weed controlling herbicides, the spraying must be done during the correct growth stage of the plant. It is also necessary that grain crops be sprayed at the right stage of growth if a favorable kill of weeds is to be obtained without injury to the grain.

Two spray units should be available throughout the growing season to properly spray, at the right time, the areas that need treating. The management of these sprayers should be a full time job from May 15th until September 1st for the four men necessary for this work.

Irrigation and Weather Data

The land under irrigation is as follows:

Cultivated land	730 acres
To be cultivated	500 acres (Pending water development)
Hay meadows	1509 acres
Alfalfa	1149 acres
Pasture	386 acres
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Total under irrigation ...	3774

A total of 600 acre feet of storage water is available as well as certain water rights on the creeks which flow through the ranch.

Approximately \$30,000 was invested in pipe and motors for sprinkler irrigation in 1957. These sprinkler systems were designed to be used on dry fields totalling approximately 400 acres. A well drilled west of the minimum security unit in 1957 has a capacity of 200 gallons per minute.

The mean total precipitation based on readings for the period 1931 to 1955 at the Deer Lodge and East Anaconda weather stations indicate an annual total precipitation of approximately 10.28 to 12.99 inches. A study of the length of the growing season over a 30 year period indicates that the average number of days between a critical temperature of 32 degrees in Deer Lodge is 94 and about 126 between a critical temperature of 28 degrees. In East Anaconda the average number of days between a critical degree of 32 is about 116, and 148 days between a critical temperature of 28 degrees.

The variation and elevation over the prison ranch coupled with the difference found in the vegetative growth and plant species would indicate a wide variation in climatic factors that affect plant growth. The weather station at Deer Lodge probably does not accurately

reflect climatic conditions on the prison ranch. It is recommended that a weather station be established immediately in the vicinity of the new minimum security building and that the possibility of establishing additional weather stations in the future be considered.

It is recommended that water measuring devices be installed immediately on all ditches supplying water to prison lands and that an accurate record be kept on conveyance time and the amount of water delivered. Conveyance losses in ditches should be determined by water measurement to establish whether there is any need for ditch linings. Water control structures such as drops, checks and turnouts are badly needed to control erosion on ditches. The lining of reservoirs and ditches can substantially reduce storage and conveyance losses.

Present stream flow records are insufficient to determine how much supplemental water is needed to develop irrigable lands to the maximum potential. Additional stored water would mean a season long supply for lands presently irrigated and the development of additional lands not now irrigated. Stations installed on west side streams in the Deer Lodge Valley would be desirable, securing additional stream flow data for making long range plans of this type.

Range Management

It is recommended that the ranch be stocked at the rate of 1,400 animal units for seven months per year until range improvement practices result in increased productivity. The following equivalents are suggested.

	Animal Unit Equivalent
Cow (w/ calves) in summer	1.0
Heifers (yearlings & two-year-olds) .....	.7 (.6 & .8)
Bulls	1.25
Steers (Yearlings & two-year-olds) .....	.6 (.6 & .8)
Horses	1.5
Sheep .....	.2

This includes the land used under national forest grazing permits. It is suggested that, for at least three years, only cattle be grazed. The feasibility of grazing a band of 500 to 800 sheep or the equivalent in work horses or other stock might be considered when the increased carrying capacity will support it.

Elk and cattle are in a large measure directly competitive for forage. Hunting should be encouraged by any legal means in order to hold the elk herd within present limits. Unless this is done improvement of forage resources at the low elevations will probably do little more than replace forage lost to elk.

Forest Management

There are presently 5,051 acres of forest land on the prison ranch. The majority of the timber contained on these forest acres is in urgent need of responsible forest management such as thinning, pruning and harvesting of mature, over mature and cull trees.

Several small plots were sampled for average volume of timber per acre. These plots showed an average volume of 4,000 board feet per acre in the areas covered by Douglas Fir and Lodgepole Pine where the trees were six inches DBH (Diameter breast high) and larger. In the area covered by thick stands of Lodgepole Pine, where the trees are so thick they have become stagnant, sampling showed 1,720 trees per acre in the two to eight inch DBH class. The majority of the trees sampled were in the four to six inch DBH class, which are ideal for fence posts and corral railings.

The majority of the timber at the prison ranch is Douglas Fir with some small dense patches of Lodgepole Pine.

At the present time the 75 miles of fence on the prison ranch with posts placed approximately 12 feet apart would indicate that about 33,000 fence posts are in use. Currently, posts are not being treated with a wood preservative. A life of three to five years for an untreated post can be expected while a treated post will last from twenty to thirty-five years.

It is recommended that a fence post peeling machine and a fence post pointing machine be acquired. These can both be made at the prison. It is also recommended that a wood preservative treating plant for the treating of posts, timber and lumber be acquired. A portable sawmill, planes and edger are also needed. Approximately \$6,000 would be adequate to obtain this machinery.

Livestock Sanitation

The following recommendations are made by the Livestock Sanitary Board:

1. A modern dairy plant should be constructed at Warm Springs to produce dairy products. Products from this plant could be supplied to the State Hospital, the State prison, the Tuberculosis Sanitarium, the State Orphanage, and the State Training School.
2. The slaughter house at the prison farm should slaughter and handle all the meat and meat products for the various institutions.
3. The State Veterinarian should be consulted on all dairy and animal problems, especially disease control, inspection of meats and necessary tests of dairy products.
4. All new building, remodeling and purchase of equipment should be referred to the proper state officials to determine their compliance with existing laws and regulations. Special reference is made to pasteurization equipment.

Conclusion

The material contained in this chapter was summarized from a detailed report prepared at the request of the Legislative Council by the Division of Agriculture, Montana State College. Copies of the full report have been given to those persons responsible for the operation of the prison ranch. Further copies are available for loan to members of the Legislative Assembly. The Legislative Council urges continued cooperation by prison officials with the Division of Agriculture at Montana State College.

The extension agricultural engineer maintains a plan service on farm buildings and equipment. Several of the new buildings recommended in the report are based on plans available from this service. The extension agricultural engineer is always available for consultation on farm building plans.

The prison personnel are urged to consult with the Deer Lodge county agent on any operational or management problems and he, in turn, is at liberty to call in the services of as many specialists from the extension service or the experiment station as may be necessary to help solve any problem.

Chapter VI

PRISON INDUSTRIES

No single phase of life within prison walls is more important to the public or to the inmate than efficient industrial operations and the intelligent utilization of the labor of prisoners.¹³

Senate Resolution Number 6 directed the Montana Legislative Council to study, review, recommend and submit proposals and suggested legislation designed to accomplish a long range prison industry program coupled with vocational rehabilitation.

The area of vocational education was reviewed in chapter II, "Inmate Education." The reasons for handling that subject separately from prison industries are stated there.

This chapter is general in nature and does not contain recommendations that specific industries be included in the prison program. The Legislative Council believes such detailed planning must result from administrative decisions. A review of the existing industries is contained in this section, however, along with a review of certain legislation. Finally, some general recommendations regarding prison industries are included.

Existing Laws Governing The Manufacture and Sale of Prison-Made Goods

The 33rd Legislative Assembly passed modern legislation in 1953 covering this subject. (Title 94, Chapter 35, R.C.M., 1947.) The sale of prison-made goods on the open market is prohibited with the exception of agricultural products. However, the prison may sell goods of equal quality at a price no greater than the prices existing in the open market to other custodial institutions. In fact, all of the custodial institutions in Montana are required to purchase all available articles manufactured at the prison that they would otherwise purchase on the open market. The Montana law then, is a "state use" law, restricted to custodial institutions, and would permit and encourage great expansion of the present prison industries program.

Section 94-35-152.4, R.C.M., 1947, is a statement of intent authorizing the Board of State Prison Commissioners to:

... Make rules and regulations governing the conducted industries in the penal or reformative institutions of this state, as will (a) result in the manufacture, mining, or production of only such goods, wares or merchandise as may be used or needed in the several penal, custodial, charitable or reformatory institutions, the major portion of whose maintenance is contributed by this state, (b) result in the manufacture at such penal or reformative institutions of as wide a variety of products as practicable, it being the purpose and intent of this provision to direct the management of said institutions, to so diversify the products of said institution as to eliminate the concentration of prison labor in any one or few industries, and (c) accomplish to the greatest degree the rehabilitation of the inmates.

This recent legislation also includes authorization to print and distribute catalogs containing descriptions of prison-made goods and establishes an "industrial revolving fund" which enables the prison administration to use revenue from the sale of prison-made products for expenses and capital outlay of the industries program.

¹³ U.S. Bureau of Prisons, *Handbook of Correctional Institution Design and Construction*.

The prison industry activity that these recent laws apparently intended to foster has not occurred.

Title 80, chapter 7, R.C.M. 1947, includes a number of obsolete statutes inconsistent with the letter and intent of the new law, referred to above. These laws are listed below.

1. Section 80-721. The state board of prison commissioners of the state of Montana is hereby authorized and empowered, and it shall be its duty, to construct, maintain and operate at the Montana state prison, as soon as may be possible, a factory for the manufacture of wearing apparel. In connection with the operation of such factory the warden shall make requisition to the purchasing department of the state for the purchase of all necessary materials used in the manufacture of wearing apparel and products as contemplated by this act. All wearing apparel so manufactured at said penitentiary and not required for use therein, shall be sold to the state for use by the state in any of the public institutions owned or managed and controlled by the state, at and for such price as shall be fixed and determined by the state purchasing agent and warden of the state penitentiary, provided, however, that none of said wearing apparel shall be sold in the open market in competition with the products of free labor.

This section is superfluous, apparently having been passed as a means of forcing the board of state prison commissioners to establish a garment factory. No statutory authority is necessary to continue the existing garment industry. In any event, permissive legislation exists in section 94-35-152.4, above.

2. Section 80-722. The warden of the Montana state prison shall be the superintendent of such factory and shall conduct the same under the supervision of the said board of prison commissioners; he shall keep accounts of all transactions. All monies received by said warden from the sale of such wearing apparel shall be deposited by him monthly with the state treasurer and be credited to the prison factory revolving fund, hereby created. Out of such fund there shall be paid such claims as are approved by the warden and the state board of examiners for expenses incident to the operation of such factory. As often as there shall accrue in said fund any profits amounting to the sum of one thousand dollars (\$1,000.00) from the operation of said factory, the same shall be paid into the general fund of the state.

This section is in direct conflict with the more recent section, 94-35-152.13, R.C.M., 1947, which creates the "industrial revolving fund".

3. Section 80-723. That for the purpose of operating said factory, there shall be used and employed the prisoners confined to said state penitentiary, and the warden is hereby authorized to employ such skilled laborers only as in his judgment and in the judgment of the board of prison commissioners, may be necessary for the feasible and profitable employment of the said prisoners, provided, however, that no skilled laborers shall be employed if prison labor can be made use of.

This section serves no useful purpose and is obsolete.

4. Section 80-724. The warden of the state penitentiary, with the consent of the state board of prison commissioners is hereby authorized and empowered to enter into any agreement relative to state uses of the products of such factory.

This Section is inconsistent with Sections 94-35-152.1, R.C.M. 1947 and 94-35-152.3, R.C.M. 1947, which limit the sale or exchange of prison-made goods to or with other custodial institutions.

5. Section 80-725. That the board of state prison commissioners is hereby authorized to establish at the Montana state prison at Deer Lodge, Montana, as part of the said prison, a tannery. Said tannery shall be operated in conjunction with the other institutions of said prison by the employment of labor of prisoners confined therein.

This statute is superfluous. No tannery exists at the prison. Adequate permissive legislation is contained in Section 94-35-152.4, above.

6. Section 80-726. That the said board is authorized to purchase such machinery, tools, materials and equipment as in its judgment are necessary and proper for the establishment and successful operation of said tannery, to be paid for out of the state prison fund, and any specific appropriations that may be made to said fund for this purpose; provided, the total cost of establishing said tannery shall not exceed the sum of eight thousand dollars (\$8,000.00). The warden, under the direction of the board is authorized to purchase hides and raw materials and all other things deemed necessary for the operation of said tannery, the cost of which, together with all costs and expenses of operating said tannery, shall likewise be paid from said state prison fund.

See comments under (5) above.

7. Section 80-727. In the operation of said tannery, there may be tanned and treated therein all hides belonging to the state of Montana; and any hides belonging to other persons and hides that may be purchased by the state. The said board is hereby authorized to determine the prices that will be paid from time to time for hides purchased by the state, and what charge shall be made to other persons for the tanning and treatment of hides belonging to them.

See comments under (5) above.

8. Section 80-728. The said board is also authorized to sell any and all hides owned by the state that may be tanned or treated in said prison tannery, at such prices as it shall deem are fair market prices therefor, and all moneys received from the operation of said tannery shall be credited to the state prison fund.

This section is obsolete and possibly in conflict with the present law restricting sales to custodial institutions.

9. Section 80-729. The warden, under the direction of the board of prison commissioners shall have charge and supervision of the operation of said tannery.

Obsolete — See comments under (5) above.

10. Section 80-730. It is hereby made the duty of the board of prison commissioners to use the labor of male prisoners in the Montana state prison for the manufacture of common brick and cement sand brick at Deer Lodge, Montana, said work to be in direct charge of the warden of the state prison and under the control and supervision of the state board of prison commissioners and said brick so made to be used only for the construction and/or repair of buildings at the Montana state prison.

No bricks are presently being manufactured at the prison — statute unnecessary. Adequate permissive legislation exists in Section 94-35-152.4.

11. Section 80-734. All sums that are now or may hereafter become due to the state for any manufactured article sold, or for labor performed, either within or without the prison walls or inclosures, must be certified to by the warden under oath to the board, who must receive and receipt for the same; and all moneys thus received must be paid into the state treasury, and the treasurer must place the same to the credit of the state prison fund; and the secretary of said board must make a report thereof to the state auditor, on or before the tenth day of each month.

This statute is obsolete and in conflict with section 94-35-152.13, R.C.M. 1947, above, creating the "industrial revolving fund."

Bills to repeal these obsolete laws have been prepared.

Present Industries Program

The greatest amount of manpower and energy is devoted to the prison ranch, which is not really an industry in the restricted sense of the word. In October of 1958 there were approximately seventy-three men employed on the prison ranch. The details of this enterprise will not be discussed further here, since there is a chapter of this report devoted to the ranch operation.

In October of 1958, inmates were employed within the walls in "prison industries" in the following numbers:

Bakery, Dining Room and Kitchen	48
Auto Tag Plant	22
Shoe Shop	20
Garment Factory	24
Tailor Shop and Dry Cleaning	12
Laundry	23
Toy Shop	4
Wood Finishing and Upholstering	13
Carpenter Shop	5
Electrical Shop	2
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TOTAL	173

Outside the walls, trusties engaged in what might be regarded as prison industries were distributed as follows:

Ranch	73
Slaughter House	4
Construction	24
Garage	2
Outside Carpenter Shop	3
Laundry	3
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TOTAL	109

Additional inmates both inside and outside of the prison walls are assigned as follows:

Band	31
Typing Class	13
Water Crew	23
Spud Crew	12
Registrar's Office	17
Idle because of disciplinary action; segregation or isolation	30
Idle because of no assignment	10
Miscellaneous assignments	207
 TOTAL	 343

These figures taken from the prison records indicate only ten inmates idle for lack of assignment of a 625 total inmate population. However, a large part of the prisoners who are technically "assigned" to various tasks are not provided with more than a few hours of work each day. Furthermore, much of the work is repetitive, unproductive, and improvised purely for the purpose of providing "jobs". Based on an ideal standard of 8 hours of gainful employment per day per prisoner, it is estimated that the equivalent of 40 to 50% of the inmates at Montana State Prison are idle. The dangers of this condition were dramatically revealed to the people of Montana by the July, 1957 riot. The American Prison Association makes this comment:

The enforced idleness of a substantial percentage of able-bodied adult men and women in our prisons is one of the great anomalies of modern prison administration. It militates against every constructive objective of a prison program. It is one of the direct causes of the tensions which burst forth in riot and disorder.¹⁴

The shoe shop is supervised by an untrained guard; the inmate workers are instructed by a fellow inmate who has no formal training but learned how to manufacture shoes from the inmate "straw boss" who preceded him. Most equipment in the shoe shop is fairly modern but some new equipment is needed. With some instruction the quality of the shoes could be greatly improved. At least one custodial institution has refused to purchase prison-made shoes because of inferior quality.

The garment shop operates under an arrangement similar to that in the shoe shop; an untrained inmate is foreman under the general supervision of a guard. The equipment in the garment factory is obsolete. The newest model sewing machine is of 1934 vintage with most of the machines being 1926 models. The workmanship is not comparable to that found in even the poorest quality merchandise manufactured on the outside.

The guard uniform tailoring shop equipment is one 1915 model sewing machine. The equipment in the dry cleaning plant consists of one brush, a barrel of solvent and two steam irons.

The auto tag plant is adequately housed and is equipped with fairly modern machinery. This plant will employ 40 inmates during the time when license plates are manufactured, but during a considerable portion of the year many of these men are idle. Section 94-5-152.15, R.C.M. 1947 authorizes the manufacture of highway-marking signs by the prison. Such a venture could be the beginning of a metals industry centered around existing facilities in the tag plant.

¹⁴ The American Prison Association, *Prison Riots and Disturbances*, p. 10.

Many inmates are interested in the industries program. Some expressed a desire for newer equipment, trained supervision and better techniques so that the quality of the goods produced could be improved and waste avoided.

The enterprises referred to above are a mixture of maintenance work, industries and some vocational education. The only three areas of work which could justifiably be classified as industries are the auto tag plant, the garment manufacturing shop and the shoe manufacturing shop.

At the present time there is a lack of incentive among the inmates because of inadequate equipment and lack of trained supervisors. Furthermore, the inmates are paid nothing for their work. The men, generally speaking, don't want employment in industries inside the walls, because they will have a better chance of parole if they are trusties, a factor which further contributes to the difficulty in keeping inmates interested in prison industries.

Comparison With Other States

For the fiscal year, 1953-1954, Montana ranked 45th out of the 48 states in reported gross income from prison industry sales. At the same time Montana ranked 37th in prison population. In examining the number of industries within the various prison systems, Montana again lags far behind. The highest degree of diversification is found in the federal system with 52 shops representing 33 different types of industrial production. The products in the various shops are also widely diversified representing more than 300 distinctive kinds of commodities. Among the states, Indiana leads with 19 industries; Massachusetts, New Jersey and Ohio follow with 18 as compared to Montana with three.

The most common industry among the states is the manufacturing of auto tags which is found in 40 prisons. The making of clothing is found in 32 states, road signs in 28, canning in 25 and the manufacture of wood furniture in 23.

Because Montana is an agricultural and not an industrial state, and because of the great amount of man-power and energy directed to the prison ranch operation, a comparison with other states may not be entirely significant. However, it is apparent that Montana's prison industries program could be expanded advantageously.

RECOMMENDATIONS

The Problem of Incentives

It is generally agreed by prison authorities today that no work program can be carried on without the provision of some form of incentive. Reduction of sentence, based on a firm policy and backed by sound practices, is perhaps the greatest of all incentives. In Montana an inmate can earn 10 days "good time" each month while employed. The most widely accepted incentive in prison industry is, however, money payment or wages. The payment-of-wages policy has stood the test of time in other states where experience has shown that it is good business management to pay wages to prisoners as a means of rewarding them for their labor. It not only provides a needed incentive, but results in increased production and decreased waste that more than justifies the cost. Furthermore, the payment of wages could enable the inmate to contribute to the support of his dependents or to accumulate a financial reserve prior to date of release.

Wages are paid to inmates for work performed in prison industries in 34 states. The payments range from 2c to \$1 a day, with an average of around 25c per day. Some states have adopted a sliding scale where jobs are graded according to knowledge, skill, physical effort, responsibility for equipment and materials, regard for safety of others, and working conditions.

The Legislative Council recommends that the administration of the state prison be permitted by law to pay inmates wages on a graded scale not to exceed 50c per day. This payment would be made from the prison revolving fund out of profits earned by the prison industries.

Prison Industries Superintendent

It is recommended by the Legislative Council that an appropriation be made to enable the administration to hire a superintendent of prison industries who is familiar with production line techniques and with experience in, and knowledge of manufacturing methods. It is believed that the additional salary expense will be more than equaled by the value of increased production and eliminated waste.

THE PHYSICAL PLANT

Emotional tensions are developed chiefly by the effect of human beings upon each other. The more congested the conditions under which they must live, the more conducive is the situation to the moral degeneration of individuals and the mass development of expressions of frustration and anger.¹⁵

Included in Senate Resolution No. 6 was a directive to the Montana Legislative Council to recommend "A Program of Appropriations for future Legislative Sessions designed to accomplish the goals of an over-all long-range Montana State Prison Program, including necessary buildings (and) equipment . . ."

EXISTING FACILITIES

The Montana State Prison at Deer Lodge is housed in a physical plant designed for custodial purposes only, with little or no thought given to rehabilitation. Within the towed compound walls, two main cell blocks are connected by what is referred to as "the inside administration building." A separate building houses an infirmary, library, and license plate manufacturing plant. A theater-auditorium completes the principal "inside" structures.

Outside the walls, a small building surrounded by a high cement wall houses women prisoners. Trusties are housed outside of the walls in barracks surrounded by a 12 foot fence contiguous to the main compound.

A dormitory designed to accommodate approximately 300 minimum security inmates is under construction 4 miles west of the main prison on the prison ranch. A few trusties are housed in non-security quarters at the several divisions of the prison ranch.

The total inmate population of the prison is about 600. Less than a third of these are trusties; the rest are confined continuously within the compound walls.

The cell blocks are distinguished as "new" or "old". The "old" cell block was constructed in 1896. There is no plumbing, little ventilation in the summer and none in the winter; the heating system is inadequate and erratic; sanitation is extremely difficult and seldom achieved; the roof is in need of repair; individual cells measuring 6 x 8 are inadequate by any modern standard; effective lighting would be impossible to achieve, even if the wiring could carry double the amount of current it now carries; the building itself is structurally unsound; human spoil is disposed of by "bucket brigade" each morning; occupancy is, to quite an extent, on a voluntary basis by those who do not wish to associate with inmates in the "new" cell block. After a four-day tour of the state prison in February of 1957, Wardens Joseph E. Ragen, Illinois State Penitentiary, C. Norton Jameson, South Dakota Penitentiary, and Harry C. Tinsley, Colorado State Penitentiary, concluded the "old" cell house "has outlived its usefulness as such and should be entirely gutted."¹⁶

The "new" cell block was constructed in 1912 and more than shows the infirmities of its age. Cells measuring 6 x 8 are uniformly occupied by two inmates. Modern standards indicate that a single occupancy cell should be at least 6 x 9. There is, practically speaking, no

¹⁵ The American Prison Association, *Prison Riots and Disturbances*, p. 12.

¹⁶ Report on Recommendations of the Montana State Penal Institutions Survey Committee, March 15, 1957.

facility for segregation; 18-year-old check passers get their criminal education there from hardened burglars, rapists and murderers. Because conduits are incapable of carrying sufficient current the light in each cell is supplied by one 25 watt bulb.

In both the new and old cell blocks, segregation areas are crude improvisations, insecure, unsanitary and inadequate in size. They permit no more than two segregation classifications, and rehabilitation treatment for those in segregation is out of the question, due to lack of space. There is no exercise area for segregated inmates.

The minimum security barracks now being constructed on the prison ranch will provide housing for employable inmates; but as the ranch itself, being principally a cattle operation, provides limited rehabilitative work, facilities such as shops and classrooms will be needed at the dormitory site.

Medical-dental facilities inside the compound offer little opportunity for adequate medical care. A small clinic, attendant's office, operating room and dental office, until recently, were crowded together in a single room. Bed capacity is below any accepted standard for the number of prison inmates. Sanitation is made difficult by inappropriate construction. Isolation is impossible. These facilities were discussed in chapter IV, "Health and Medical Services."

Food for inmates confined within the walls is prepared and served in a section of the basement beneath the "inside" administration building. The kitchen has been described by a visiting, leading penologist, as "the filthiest place I've ever seen." This condition is not due to a lack of effort on the part of prison officials and inmates to maintain sanitary conditions. It exists because the basic structure is so antiquated that effective sanitation is virtually impossible. Efficiency is likewise out of the question because of space limitations and the impossibility of proper arrangement within the space available. Although somewhat modernized in recent years, the dining room is in a poorly ventilated area; furthermore it is difficult to maintain sanitary conditions there. After a recent survey of the prison, the Montana Medical Association reported: "Kitchens were dirty, hot, poorly ventilated. New kitchens are needed."¹⁷

The outdoor recreation area within the walls, which serves about 400 inmates, is slightly larger than a football field in area. While spectator recreation may be provided in the theater-auditorium, there are no indoor facilities whatever for participating or competitive recreation. Thus, during at least four or five months of the year, inmate recreation must be limited to movie attendance and whatever diversions might be improvised within the confines of a cell.

The classrooms for vocational and academic training are part of a poorly lighted, one-time potato cellar.

To summarize, not a single major physical facility at the Deer Lodge prison could be described as coming up to minimum modern standards. Much of the prison is so antiquated, obsolete or limited in size that it is a positive detriment to basic correctional aims. Many facilities generally accepted as indispensable to modern prison operation do not exist at the Montana prison. To extensively repair or augment existing facilities would be nearly as expensive as building new ones. To expend much money for this purpose would be to buttress an outmoded and crumbling institution that should be abandoned at the earliest possible date.

¹⁷Report of the Advisory Committee on State Institutions, adopted by the House of Delegates of the Montana Medical Association at its 80th annual meeting in Billings, September 11-13, 1958.

The physical inadequacy of the plant is there for even the unpracticed eye to see. The cost, both in wasted human life and state expenditure, is difficult to estimate but certainly real and onerous. While a constructive correctional program may be begun without new plant and equipment, it can never be brought to fruition without facilities far more extensive, modern and functional than those now available.

RECOMMENDATIONS

In General

The following recommendations are based on the assumption and the idea that ultimately the entire prison now located in the town of Deer Lodge will be permanently transferred to a site on the Prison Ranch. The newly-acquired land, which consists of about 33,000 acres, offers great potential for construction of an adequate prison containing all of the facilities required to operate a correctional system in keeping with the modern concepts of penology.

This area, and the building program started there, indicate far-sighted planning. The site where the new minimum security building is presently under construction is ideal from every point of view. The area available for expansion is ample for many years to come. The location is level, well drained, offers good foundation conditions and would effectively isolate the institution from the hazards of the present downtown location. It would be economical to maintain the old, walled prison only as long as necessary, and to begin construction on an entirely new prison in the area south and west of the Ranch No. 1 buildings where the minimum security unit is already under construction. (See Appendix E for drawing of proposed physical plant.)

Application by the Board of Examiners was made to the Housing and Home Finance Agency for an advance of money to finance planning for the prison. The federal agency will be reimbursed as the buildings are constructed, but no reimbursement is to be made for unused plans. The application was approved a week before this report was printed.

A minimum of expenditure should be made in remodeling the old buildings in view of plans for eventual transfer of facilities to the new location. In the interim period, however, provisions should be made for improving food preparation facilities and for certain other remodeling projects discussed in detail below.

New construction should envisage a complete and modern correctional institution, in harmony with advanced thinking in this field with a projection of needs as far in the future as is possible to predict. Provisions should be made for expansion of facilities as needs grow without alterations of previously constructed buildings. Such expansion should, wherever possible, be in the form of additional complete building units rather than small additions. In some cases, such as the hospital and kitchen, it may be necessary to size the facilities at this time for needs in the future.

Prison Labor

It is the recommendation of the Legislative Council that the use of inmate labor on major construction projects be discouraged. Experience has shown that the use of inmate labor is a "false economy" and does not represent the savings it is sometimes thought to. It is difficult to cultivate in prison inmates the care and responsibility of free men working for wages. Inmates will often waste materials, will be careless in their work and some times will deliberately destroy or sabotage material and equipment. The use of prison labor can measurably impede the construction of a building when frequently the time element is critical. The use of inmate labor will require greater supervision than the use of outside workers and will

require supervision over a longer period of time. Furthermore, there are not at any one time enough inmates trained in building trades to undertake a construction project of very great proportion.

The entire investment of public funds could be placed in jeopardy if poor workmanship were incorporated in the final product. The damage from a leaking roof can far exceed the cost of a proper one. It is believed that the state will, in the long run, save money by putting their prison buildings out on contract.

Prison-made construction material, however, if the manufacture is carefully supervised, can be used in construction at considerable savings to the state. Cement blocks can be manufactured at the prison for less than half the cost at which they can be purchased on the open market. Where the time element is not critical nor the building complicated, prison labor might be utilized to some extent. Perhaps certain farm buildings could be constructed with the advantageous use of prison labor. With these exceptions in mind, however, it would be generally preferable to contract for larger projects.

A Long Range Building Plan — Ten Years

The Legislative Council has prepared for the Thirty-sixth Legislative Assembly, two plans to provide a new prison for the State of Montana. The first of these plans would extend over a period of about ten years and would be financed by legislative appropriation. The second plan would encompass a period of only four years, the first stage being financed by legislative appropriation and the second stage by a bond issue voted by the people of Montana. The ten-year program would follow the plan outlined below.

PHASE ONE

Construction would begin on about July 1, 1959 and would be completed by about June 30, 1961. (See Appendix F.) This stage would include the completion of the housing unit presently under construction which, when finished, would provide housing for three hundred minimum security inmates. It would be outside the fenced area and would be self-sustaining to the extent of containing food services and recreational facilities. Also part of the first phase would be security towers, perimeter lighting, fencing and a recreation area. Within the perimeter fencing would be a fenced industries compound which would eventually contain the industries building.

A long range plan for the prison would include a treatment center which, when completed, would consist of the inmates' school, library, visiting facilities, deputy warden's office, a classification and treatment section, inmate canteen and barber shops, records and identification section and hospital facilities. As part of phase one the classification and treatment, and records and identification sections, and the inmate hospital would be completed.

Also included in the first phase would be the construction of a transportation building which would provide storage space, automobile and farm machinery repair facilities and a body and fender shop. This would also provide an office for a motor vehicle dispatcher and would be the center of motor vehicle control for the prison. Included in the cost would be all necessary equipment.

Completing the new construction for phase one would be a unit for housing the swine on the prison farm and a laying house and broiler building for the farm poultry operation. The cost estimates of new construction for phase one are:

Additional wing of housing unit	\$ 200,000.00
Guard towers	30,000.00
Perimeter fencing	16,200.00
Lighting and miscellaneous	20,000.00
Industries compound, fence and motor vehicle entrance	30,000.00
Part of treatment center	750,000.00
Transportation building	162,000.00
One swine unit	15,000.00
One laying house	3,000.00
One broiler building	2,000.00
Contingency (10%)	122,820.00
 TOTAL	 \$ 1,351,020.00

If the construction of the new prison were extended over a period of ten years it would be necessary to appropriate enough money during the next legislative session to allow maintenance and remodeling of the old prison in order to carry it through the end of the long range program. These plans would include:

1. Expansion of the laundry into the area presently occupied by the toy repair shop as well as enough money to equip the laundry with a new mangle, a new washing unit and other modern equipment. Equipment to bring the clothing industry and shoe industry into efficient operation should also be purchased. Rough estimate of cost — \$25,000. Most equipment will eventually be transferred to the new prison.
2. The prison kitchen should be expanded and some new equipment purchased. Provision should be made for a staff dining room inside the walls. Rough cost estimate—\$40,000.
3. Inmates' bathing facilities in the new cell block should be improved and expanded. Rough cost estimate—\$5,000.
4. The library should be moved to the area presently used for the manufacture of guards' uniforms. Guards' uniforms would be manufactured in the garment factory. Rough cost estimate—\$2,500.
5. The auto tag plant should be expanded into the space presently used for the library. New equipment should be purchased which would make possible the manufacture of additional metal products such as street and highway signs. Rough estimate—\$50,000. Here again, most equipment would eventually be moved to the new prison.
6. The trusty barracks No. 1, including kitchens, should be converted into a temporary school, treatment center and winter recreational facility by sealing all outside exits and installing grilled gates in the walls for access into the inside area. Estimated cost—\$15,000, including necessary equipment.

Total for repair and maintenance of old prison	\$ 137,500.00
Plus new construction	1,351,020.00

Total for Phase One of ten-year plan	\$ 1,488,520.00
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In order to attract and hold good personnel, adequate housing for the staff should be made available. It is recommended that housing be provided for at least six families as soon as possible. These would be three units, each a duplex, to accommodate two families. The maximum cost of each unit would be \$25,000, financed by means of a self-liquidating revenue issue. The income from rent collected from employees would be devoted to liquidation of the bonds. These units would be located somewhere on the prison farm, probably near the Deer Lodge park.

PHASE TWO

The second phase of the ten-year program would include construction of a medium security unit designed to house 250 men. This would be built within the fenced area.

Also, in the second stage would be an industries building constructed of fireproof material, with solid outer walls and movable mesh partitions, with a wide service alley to handle all movement in and out of the shop and with an overhead crane for loading and unloading materials. Included in the cost of this building would be the necessary industrial equipment less the cost of existing, usable equipment.

A warehouse large enough to allow storage of all materials and food would be a part of the second stage. This warehouse would include a frozen food processing, packaging and storage unit. A plastic greenhouse for horticultural crops and a feed-processing plant would be constructed near the slaughter house.

Finally, would be the completion of the treatment center. (See Appendix G.)

The cost of the second stage would be as follows:

Medium security unit	\$ 400,000.00
Industries building	378,000.00
Industries equipment	200,000.00
Warehouse and frozen food packaging and storage unit (including equipment)	378,000.00
Plastic greenhouse	4,000.00
Feed processing plant	7,000.00
Completion of the treatment center	325,000.00
Contingency (10%)	169,200.00
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TOTAL	\$ 1,361,200.00

PHASE THREE

The third stage of the ten-year plan would include the construction of fencing, guard towers, perimeter lighting, control corridors and gates for the maximum security area. Also, included would be two 100-cell maximum security cell blocks. The construction of a combination recreation building, chapel, theater and gymnasium would be included in this stage. A food service building to accommodate the entire maximum security, medium security population, and staff would be the final facility of this stage. (See Appendix H.)

The cost of stage three would be:

Fencing guard towers and perimeter lighting, control corridors and gates	\$ 240,000.00
Two 100-cell maximum security cell blocks	575,000.00
Recreation building, theatre, gymnasium and chapel	472,500.00
Food service building (including equipment)	650,000.00
Contingency (10%)	193,750.00
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TOTAL	\$ 2,131,250.00

PHASE FOUR

The fourth stage would include the construction of two more 100-man cell houses if required by an expanded population. One would be divided into two parts with receiving cells on one side and segregation cells on the opposite side. Also, in the fourth stage would be the construction of the administration building. The expansion of the industries building to meet population needs, and any additional construction expanding populations and programs might merit, would be included in this phase. Finally, would be the construction of a gate house and arsenal and necessary roads and streets. (See Appendix I.)

The cost of stage four would be:

Two 100-man cell houses	\$ 575,000.00
Administration building	341,000.00
Gate house and arsenal	60,000.00
Roads and streets	25,000.00
Contingency (10%)	100,100.00
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TOTAL	\$ 1,101,100.00

It should be pointed out that the cost estimates of this last stage are contingent both on the needs experienced at that time as well as the current cost of building materials and labor.

The total cost of the ten-year plan would be \$6,582,070.00.

A Long Range Building Plan — Four Years

PHASE ONE

The alternative plan presented to the Legislative Assembly involves both a different type of financing, as well as a lower total cost. The first phase would include the same schedule for new construction as outlined in phase one of the ten-year plan above. The necessary repair and maintenance costs of the old prison would be considerably reduced since the duration of stay would be cut by approximately six years. The cost of the following necessary equipment, however, would be included as part of the initial appropriation:

1. New equipment for the prison laundry	\$ 15,000.00
2. New equipment for the prison kitchen	5,000.00
3. Remodeling of trusty barracks No. 1 for conversion into a recreational facility	7,500.00
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TOTAL	\$ 27,500.00

The total appropriation by the Thirty-sixth Legislative Assembly for phase one of the four-year plan would be:

New Construction	\$ 1,351,020.00
Purchase of equipment and remodeling	27,500.00
TOTAL	\$ 1,378,520.00

PHASE TWO

The second stage of this four-year plan requires \$4,806,050, the combined cost of the last three stages of the ten-year plan less \$287,500 representing the cost of one 100-man cellhouse which would not be immediately needed. Financing would be by bond issue by a statewide mill levy authorized by the Thirty-sixth Legislative Assembly and referred to the people at the 1960 general election. If the measure were approved, the money would be available by mid-1961. For the fiscal year, 1958-1959, one mill, statewide, will produce approximately \$665,000. A one mill levy for a period of ten years would be more than sufficient.

The economies which would be realized by this short four-year plan are emphasized. The repair and remodeling costs would be reduced ~~to~~ about \$110,000, as shown above. Also, many possible, unforeseen costs which would go into maintaining the old prison for a period of ten years would undoubtedly be eliminated. The water tank at the old prison is in extremely poor condition and if replaced would cost about \$75,000. It might be necessary to rewire the new cell block.

Prison officials have recently been informed by City of Deer Lodge officials that the State must pay an initial cost of \$40,000 to transfer to the city sewage system. This charge can probably be avoided if the four-year plan is followed.

Also, to be considered, apart from remodeling, are the extremely high maintenance costs of operating the old prison. The administrative costs of operating two facilities would be high for the last seven or eight years of the 10 year plan. The cost of transportation between the new and old facilities would be excessive as would be the price of necessary duplication in personnel. Finally, of course, would be the probability of an increase in the cost of building materials and labor, which conceivably could rise one-quarter to one-half during the next ten years.

The property presently occupied by the old prison, with the exception of the office of the Registrar of Motor Vehicles, could be sold. Money realized from the sale of the land, and the sale of salvable material, would revert to the state. It is estimated that the land alone has a sale value of about \$27,000.

Conclusion

The existing Prison is not an institution that would enable its administrators to carry out a rehabilitation program oriented to the great advances in penology that have occurred in this country during the last half century. This cannot be achieved until the proper physical plant is available. As the American Correctional Association has stated in its "Manual of Correctional Standards":

There is no possibility of realizing any general and widespread success in introducing the methods and practices of rehabilitation upon which all informed and enlightened correctional administrators are in essential agreement until the physical plant of our correctional institutions is brought into basic harmony with the assumptions and requirements of the philosophy of rehabilitation. This compatibility between the physical plant and reformatory methods involves not only such larger aspects of physical construction as the site, the general layout of the institution, and such considerations as the questions of walls, but of every important detail of design and operation as well. For example, a badly designed and equipped kitchen or an inadequate heating system can upset an otherwise admirably planned and administered institution.¹⁸

¹⁸ *Manual*, p. 169.

Chapter VIII

IN-LIEU-OF-TAX PAYMENT TO POWELL COUNTY

Senate Resolution No. 6 directed the Montana Legislative Council to suggest legislation to provide for "a fair and equitable payment in-lieu-of-tax plan for land taken off the Powell County tax rolls."

On April 27, 1953 the State of Montana entered into a contract with Foxley and Company for the purchase of 32,996.1 acres of land near the State Prison. The purchase price was \$659,922 to be paid in ten installments with interest on the unpaid balance at 4½%. The title to the land remains in the name of the seller until the purchase price is fully paid. Foxley and Company pay the taxes and are reimbursed by the State of Montana under the terms of the contract.

The intent of Senate Resolution No. 6 was apparently to direct the Legislative Council to determine what impact will be felt by Powell County when this land is taken off the tax rolls, and to recommend legislation to remedy any existing inequity.

Impact on Powell County

The total tax levied on real and personal property in Powell County for the 1957-1958 fiscal year was \$781,889.19. The taxes paid on the land purchased from Foxley and Company for the last three years were:

1955	.....	\$ 6,696.37
1956	.....	7,252.87
1957	.....	7,969.36

This recent purchase, then, will result in a 1½ decrease in tax revenue when the land is taken off the tax rolls.

Benefits to Powell County

An attempt to accurately evaluate the benefits realized by Powell County because of the location of the prison is not possible with the information at hand. It is only possible to set down certain facts and theorize as to their effects.

The total payroll for the Prison, the Bureau of Criminal Identification and Department of Motor Vehicle Registration amounts to more than \$600,000 annually. The actual benefits accruing to the community as a result of this money being distributed to over 100 state employees residing in the area cannot be definitely ascertained. Certainly a good part of this sum is banked and spent in Deer Lodge.

Also to be considered are the employment opportunities for the people of Deer Lodge and the rent paid for housing prison employees. The taxes paid to the local government by prison employees cannot be ignored.

While many of the supplies and services used in the operation at the prison are either purchased outside of the county, or produced by the prison itself, purchases were made from Deer Lodge merchants in the amount of \$94,185.77 for the fiscal year ending June 30, 1958.

The Search for a Precedent

The State of Montana Fish and Game Department reimburses counties for land taken off the tax rolls in an amount equal "to the amount of taxes which would be payable on county assessment of said property were it owned by and taxable to a private citizen for the total acreage. . . ." Exceptions are instances where the Fish and Game Department owns less than 100 acres in the county and where the lands are used for game bird farm or fish hatchery purposes. To the knowledge of the Legislative Council, no other department makes in-lieu-of-tax payments to counties.

Conclusion and Recommendation

A test suit might find the practice of making in-lieu-of-tax payments unconstitutional. Such payments seem to be clearly in conflict with the intent expressed by Section 2, Article XII of the Montana Constitution which provides: "The property of . . . the State . . . shall be exempt from taxation. . . ."

Also to be considered is the possibility of opening the way for a multitude of claims for payments in-lieu-of-taxes on state-owned lands in other counties. While Powell County may be oppressed to a greater degree than other counties, there are other instances of large land purchases by the state. On July 9, 1956 the State Board of Education authorized the purchase of a 10,000 acre ranch near Norris in Madison County for use by the Agricultural Experiment Station. The purchase of this land has been consummated and it has been removed from the tax rolls. No in-lieu-of-taxes payments are made to Madison County.

It is the recommendation of the Legislative Council that no payments in-lieu-of-taxes be made to Powell County for state-owned land taken off the tax rolls.

It would appear that benefits to the community outweigh the loss of tax revenue. Furthermore, the legal and practical obstacles which emerge would make such payments infeasible.

Chapter IX

MISCELLANEOUS RECOMMENDATIONS

Under this heading the Legislative Council has included a number of important recommendations to the Legislative Assembly. These are grouped under the heading "miscellaneous" because they are, in a sense, summary recommendations which do not require a lengthy justification. Moreover, they do not conveniently fit into the broad categories discussed in other chapters.

1. *Removal of the Department of Registration of Motor Vehicles from the Jurisdiction of the Warden*

Section 53-101. R.C.M., 1947, provides: "The warden of the state penitentiary shall be, and is hereby constituted the registrar of motor vehicles . . ." The administration of this department under the above law has proven unsatisfactory for several reasons.

First, the warden has been responsible for administering and supervising a function which is not even remotely connected with correctional work. Responsibility for the operation of the state prison, one of Montana's largest institutions, is enough to fully occupy the warden.

Second, the registration of motor vehicles has not been an efficient operation largely due to its association with the prison. The registrar's office employs 18 inmates who assist in the preparation and filing of motor vehicle records. As a result, there have been instances of deliberate falsification of records, misplaced files, etc. The practice of allowing inmates access to official records should be carefully reviewed since the rehabilitative value of this work is inconsequential.

Third, the registration of motor vehicles should be operated, not as a department of the state prison, but as part of a general plan of motor vehicle registration, perhaps under the jurisdiction of the highway commission.

2. *Money and Suitable Clothing for Inmates upon Discharge*

At the present time parolees and prisoners are released with \$25 gate money, a pair of dungarees and an overall jacket. The Legislative Council recommends that a released inmate be allowed some choice in selecting suitable clothing and be provided a transportation ticket to a destination within the state in addition to the present payment of \$25. A reserve set up out of wages paid inmates, where possible, could comprise further payment to the released inmate.

3. *The Woman Inmate at Montana State Prison*

The Western Governors' Conference is actively working on the problem of an interstate institution for women prisoners. It is recommended that the Legislative Assembly encourage this program in every way possible. In the event that a solution is not immediately forthcoming, a general recommendation is made to the prison administration that these women inmates be farmed out to another institution and supported on an actual cost basis. On September 15, 1958 there were two women prisoners at Montana State Prison being supported at a total monthly cost of over \$1,200, without the benefit of any rehabilitation program.

4. *A Department of Corrections*

Every legislator has, undoubtedly, listened to a suggestion to "get the prison out of politics." This is not only a popular admonishment but a practical one. Placing the prison, along with the other two correctional institutions, under a department of corrections would be a sensible solution.

Time was short, and the Legislative Council was unable to work out a carefully planned recommendation to the Legislative Assembly during this interim. However, it would be possible to complete a preliminary and vital step during the next session. Article VII, Section 20 of the Montana Constitution provides:

The governor, secretary of state and attorney general shall constitute a board of state prison commissioners, which board shall have such supervision of all matters connected with the state prison as may be prescribed by law. They shall constitute a board of examiners, with power to examine all claims. . . .

The first step necessary to establish a department of corrections would be the amending of this section of the constitution. If an amendment to eliminate all mention of prison administration from the constitution were approved, the authority of the board of state prison commissioners could continue under the following statutory provision:

Section 80-701, R.C.M., 1947. "The board of state prison commissioners consists of the governor, the secretary of state and attorney general, and has such supervision of all matters connected with the state prison as is provided for in this chapter."

This means that if the amendment were approved by the electorate at the 1960 general election, the operation of the prison would not be disrupted in any way, and could continue under the statutory authority indefinitely. However, the elimination of this constitutional block would enable the 1961 legislature, or a subsequent one, to provide a department of corrections for the state of Montana.

The constitutional section could be amended as follows:

"The governor, secretary of state and attorney general shall constitute a board of examiners, with power to examine all claims. . . ."

It is believed that the most opportune time to enact changes involving Montana State Prison would be during the ensuing legislative session, because of the present intensive public interest in prison matters. The elimination of this provision would leave the road open for further changes at a later time.

5. *Probation and Parole*

While the probation and parole program is not an institutional matter, it directly affects the management of the prison and is an integral and important part of the state's correctional system. It costs almost \$1,200 a year to keep a man in the state prison, and only \$225 per year to supervise a man in an adequate probation and parole program. At the present time there are only three district probation and parole supervisors for the state of Montana. As of December 1, 1957 there were 342 active probation and parole cases on direct supervision in Montana. There were 232 additional cases that were being supervised administratively in or out of the state. On March 31, 1958 it was estimated that there were 200 active probation cases in the state which were not being supervised.

The average work load of the district officers is triple that of accepted national standards. One officer attempts to supervise parolees and probationers in 21 counties. Consequently, pre-sentence investigation is seldom made and, where it is, amounts to only a superficial stab at uncovering causes.

An expanded probation and parole program would relieve the crowding at the prison and would enable the institution itself to do a better job of rehabilitating and treating the inmates, as well as resulting in a significant savings of money to the state.

The Legislative Council recommends, as a general statement, an expansion of the existing probation and parole program.

Chapter X

POPULATION PROJECTION FOR MONTANA STATE PRISON

Methodology

There was no current long-range population projection for the State of Montana available at the time this report was prepared. Several short-range projections have been made; however, some are already dated, and the variance among them is extreme. For instance, the population of Montana for the year 1970 has been estimated to be:

Projection 1	717,000 ¹⁹
Projection 2	755,000 ²⁰
Projection 3	774,000
Projection 4	867,000 ²¹

Projection 3 was made by the Legislative Council Staff.

Recent estimates by the Bureau of Census indicate that Montana's population has increased at a rate of 13% since 1950. The current estimates of the State Board of Health would point to an increase of almost 15% for the seven-year period. Other available, but markedly conservative projections, would put the rate per seven years at about 8%. The projection appearing below was based on an assumption that Montana's population would continue to increase at a constant rate of 10% per seven-year period. Converted to five-year increments, the increase would be 7.14%.

The prison population projection was based on a proportion of the prison's population to the population of the State as a whole. The proportion was developed from ratios during the last twenty years, which are fairly constant. This ratio (of one inmate per 11,000 population) was then applied to a projection of the total State population to the year 1990.

It must be remembered that the projection of prison population is based on the assumption that the present crime rate will remain stable and that efficiency of law enforcement officials in apprehending criminals will also remain about constant. An increase in crime incidence, could lead to even greater institutional populations; conversely, a decrease in crime incidence should result in few people committed to the institution.

There is no known way at present to determine with any accuracy the effect of such factors as differential sentencing procedures or a significant change in the policy of sentencing by courts such as more extensive use of presentence investigation, parole and the suspended sentence. An increase in the number of parole and probation officers or a generally expanded parole or probation program might be a significant factor affecting the population of the prison, but here again, these things are difficult to evaluate. The present parole and probation program has probably not been in effect long enough to provide a reliable basis for assessing its impact on prison population.

¹⁹ Howard C. Nielson, *Population Trends in the United States through 1975*, Stanford Research Institute, August, 1957, p. 36.

²⁰ Series 1 from *Current Population Reports*, U.S. Department of Commerce, Bureau of Census, Series P-25, No. 160, August 9, 1957, p. 11.

²¹ *Industrial Horizons*, Vol. 2, No. 9, October, 1957, Montana State Planning Board. Projection based on estimate of State Board of Health from school census reports from 1950-1955, and assumes a continuing rate of average annual increase.

It would be expected that an expanded probation and parole program, including more active use by the state's judges of presentence investigation, would tend to decrease the prison population. While this is undoubtedly true it must be remembered that a more active program would also result in a higher percentage of probation and parole violators who would be recommitted because of their violation. It is estimated that there are over 200 active probation cases alone in the state of Montana that are not being supervised at the present time.

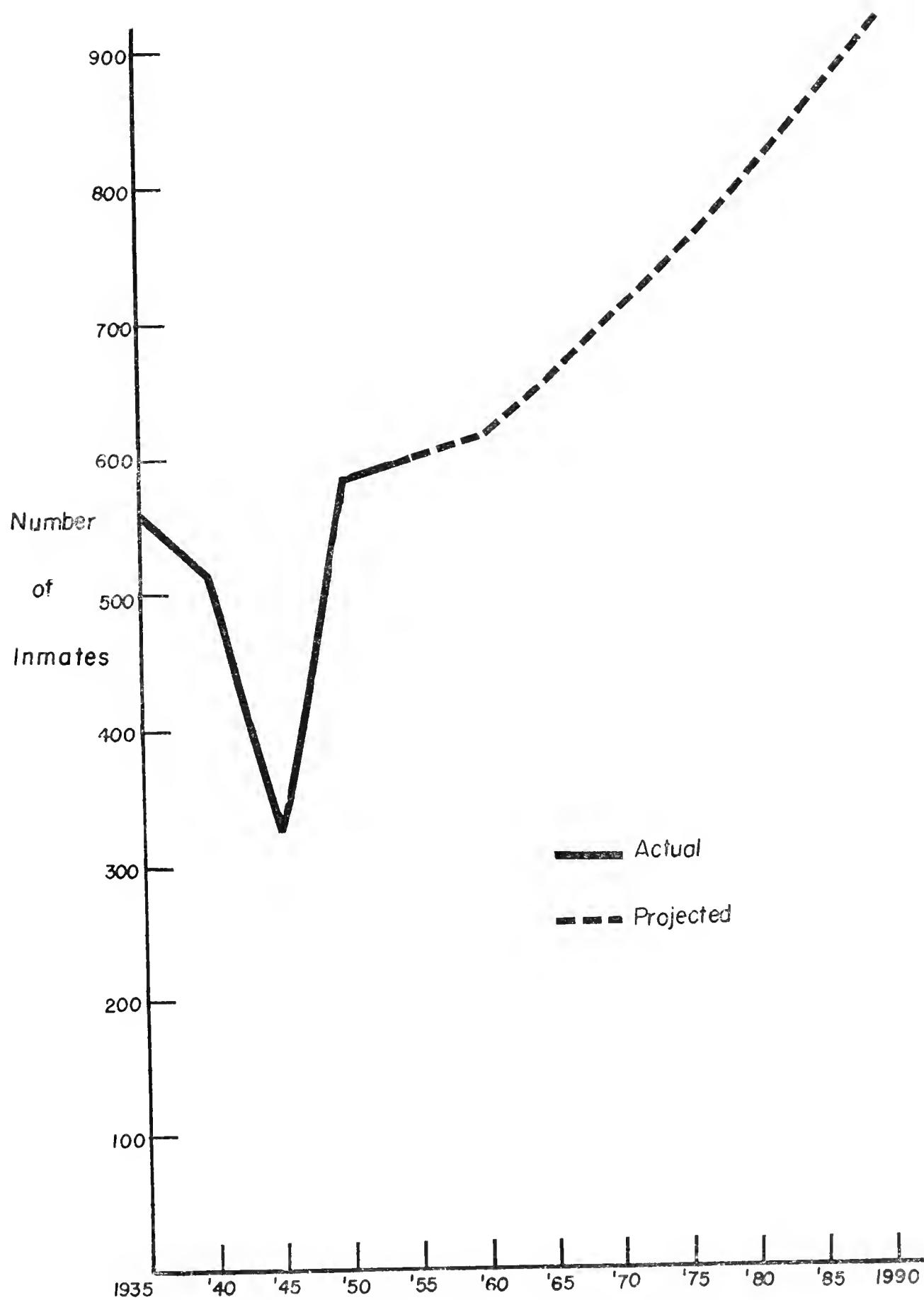
There are other influences on prison population which must not be ignored. Montana, in its population structure, has been moving from a predominantly rural state to one in which urbanism is becoming increasingly important and, because urban crime ratios are higher than rural ratios, it might be expected that an increase in urban population would contribute more heavily to the number of felonies committed in the state. However, it is not likely that the trend toward increasing urban population is so pronounced at present as to make this influence of great significance.

Population Projection for Montana State Prison*

Year	Number of Inmates
1935 ..	557
1940 ..	513
1945 ..	325
1950 ..	588
1955 ..	599
1960 ..	613
1965 ..	656
1970 ..	704
1975 ..	754
1980 ..	807
1985 ..	865
1990 ..	926

*Figures for 1935-1955 are actual—see graph on following page.

POPULATION PROJECTIONS FOR STATE PRISON



APPENDIXES

Appendix A

.....BILL NO.

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE APPOINTMENT OF CUSTODIAL OFFICERS TO ASSIST THE WARDEN IN THE PERFORMANCE OF HIS DUTIES IN SUPERINTENDING PRISON DISCIPLINE AND PRISON LABOR; PROVIDING FOR THE SUPERVISION AND CONTROL OVER SUCH EMPLOYEES BY THE WARDEN; PROVIDING FOR VARIOUS RANKS WITHIN SUCH CLASS OF EMPLOYEES, AND PRESCRIBING THE SALARIES THEREOF; PROVIDING FOR A PERIOD OF PROBATIONARY SERVICE AND TRAINING IN THE RESPECTIVE RANKS; PROVIDING FOR THE SUSPENSION, DEMOTION AND DISCHARGE OF SUCH EMPLOYEES, AND FOR AN APPEAL FROM ANY SUCH ACTION TO THE BOARD OF THE STATE PRISON COMMISSIONERS; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ACT."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. APPOINTMENT OF CUSTODIAL OFFICERS. In the performance of his duties of superintending prison discipline and prison labor, the warden shall be assisted by a staff of custodial officers, to be composed of probationary correctional officers, correctional officers, sergeants, lieutenants and captains. They shall be appointed by the warden, in such numbers as he may deem necessary, but subject to the approval of the board of state prison commissioners as to the number appointed.

Section 2. QUALIFICATIONS AND DUTIES. All custodial officers must be citizens of the United States. Their duties, and the respective duties of the various ranks, shall be as outlined and defined in writing by the warden. They shall be under the general supervision and control of the warden at all times.

Section 3. PROBATIONARY TRAINING Every person appointed to serve as a custodial officer, except the persons originally selected from those employed at the state prison at the time this Act becomes effective, shall assume the rank of probationary correctional officer, and shall be placed under probationary training and service for a period of six (6) months. At the end of the six months period, the warden must either promote such person to the rank of correctional officer, or discharge such person from service.

Section 4. PROMOTIONS — PROBATIONARY PERIOD. All promotions and appointments to the rank of sergeant, lieutenant or captain shall be made by the warden. All such promotions and appointments shall be made from the prison staff and on the basis of merit. All sergeants, lieutenants and captains shall be placed under probationary training and service for a period of six (6) months. At the end of the six months period, the warden may retain such person in such rank or reinstate him in his previous rank without prejudice.

Section 5. SALARIES. Custodial officers shall be paid a base salary in accordance with the following schedule:

- (a) Probationary correctional officers—three hundred dollars (\$300.00) per month;
- (b) Correctional officers—three hundred and seventy-five dollars (\$375.00) per month;
- (c) Sergeants—four hundred dollars (\$400.00) per month;
- (d) Lieutenants—four hundred and twenty-five dollars (\$425.00) per month;
- (e) Captains—four hundred and fifty dollars (\$450.00) per month.

The salary of each custodial officer shall be increased one percent (1%) per year for each additional year of service, up to and including the twentieth (20th) year of such additional service. In no case, however, shall an employee receive a salary in excess of the base salary for the next higher rank. When an employee is promoted, he shall receive the base salary for the rank to which he is promoted, plus the increases in salary already earned by reason of additional service in lower ranks, and subsequent increases for additional service shall be computed upon his aggregate salary. Service prior to the effective date of this Act shall not be included in computing credits for additional service.

Section 6. SUSPENSION, DEMOTION AND DISCHARGE. Every person employed or appointed and designated as captain, lieutenant, sergeant or correctional officer under and pursuant to the provisions of this Act, except as above provided, shall continue in service and hold his position without demotion until suspended, demoted or discharged in the manner hereinafter provided, for one or more of the following causes:

- (a) Conviction of any crime involving moral turpitude in any court of competent jurisdiction subsequent to the commencement of such employment;
- (b) Gross neglect of duty or willful violation or disobedience of orders or regulations;
- (c) Drinking intoxicating liquor, or being under the influence thereof, while using state owned cars or in uniform;
- (d) Sleeping while on duty;
- (e) Incapacity, or partial incapacity, materially affecting the employee's ability to perform his official duties;
- (f) Gross inefficiency in performing duties;
- (g) Active participation in any political campaign;
- (h) Willful disobedience of rules and regulations governing the conduct and discipline of custodial officers.

Any charge brought against any such employee must be in writing and signed and sworn to by the person making the same. It shall be filed with the warden, and may be examined by the accused employee upon request. The warden shall make an investigation of any charge or charges against an accused employee, upon the filing thereof, and if he finds that any such charge is true, he may punish the offending party by reprimand, suspension without pay, demotion or dismissal, at the same time giving his reasons in writing to the board. Suspension shall be without pay and for a period not to exceed twenty (20) days.

Any employee who is so suspended, demoted or dismissed may appeal to the board of state prison commissioners by filing with such board a written request therefor within ten (10) days after he is notified of the warden's decision. It shall be the duty of the board, within thirty (30) days after the filing of such request, to conduct an open hearing upon said appeal. The board shall have the power to compel the attendance of witnesses at any such hearing and to examine them under oath and to require the production of books, papers and other evidence at such hearing, and for that purpose to issue subpoenas and cause the same to be served and executed in any part of the state. The accused employee shall be entitled to be confronted with the witnesses against him, and he, or his counsel, shall have an opportunity to cross-examine the same, and to introduce testimony in his own behalf.

Within fifteen (15) days after such hearing the board shall render its decision in writing. It shall file the same in its office and with the warden, and shall serve a copy thereof upon the accused employee. If the effect of the decision is to exonerate the accused employee, he shall be entitled to reinstatement and to reimbursement for any loss in salary caused by the charges against him.

Section 7. All acts or parts of acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after July 1, 1960.

Appendix B

BILL NO.

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 80-705, REVISED CODES OF MONTANA, 1947, AS AMENDED BY SECTION 1 OF CHAPTER 61 OF THE SESSION LAWS OF THE THIRTY-FIFTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA, 1957, RELATING TO THE WARDEN OF THE STATE PRISON, HIS APPOINTMENT, SALARY AND REMOVAL; PROVIDING FOR THE APPROVAL OF ANY SUCH APPOINTMENT BY THE BOARD OF STATE PRISON COMMISSIONERS; PROVIDING THE QUALIFICATION REQUIREMENTS OF THE WARDEN; INCREASING THE WARDEN'S SALARY AND PROVIDING THAT HE SHALL RECEIVE FULL MAINTENANCE WHILE EMPLOYED; PROVIDING FOR THE SERVICE OF NOTICE OF CHARGES AGAINST HIM AT LEAST TEN DAYS PRIOR TO THE DAY SET FOR HEARING; PROVIDING FOR A CONTINUOUS TERM OF EMPLOYMENT DURING GOOD BEHAVIOR, AND FOR COMPULSORY RETIREMENT AT THE AGE OF SIXTY-FIVE (65), AND FOR RETENTION BEYOND THAT AGE BY THE BOARD OF STATE PRISON COMMISSIONERS, ON A YEAR TO YEAR BASIS; REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ACT."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. That Section 80-705, Revised Codes of Montana, 1947, as amended by Section 1 of Chapter 61 of the Session Laws of the Thirty-fifth Legislative Assembly of the State of Montana, 1957, be, and the same is hereby amended to read as follows:

"80-705. Warden — Appointment, Salary and Removal. A warden of the state prison shall be appointed by the governor *subject to approval of the board of state prison commissioners*, and such appointment must be transmitted to and approved by the senate. (Matter deleted). *The warden of the state prison shall be a person trained through education and experience in a managerial capacity in a penal institution.* The salary of the warden (matter deleted) shall be not less than eight thousand four hundred dollars (\$8,400.00) per year, payable in monthly installments. (Matter deleted).

"The warden shall have a place of residence at the prison for himself and his family, free of charge, and he shall receive all utilities and other necessary items of expense incident to the maintenance thereof. He shall also receive, without cost, all food and other provisions supplied by the commissary and consumed at such residence.

"The warden shall be subject to removal by the board of state prison commissioners at any time for misfeasance, nonfeasance or malfeasance in office, but before he is so removed formal charges in writing must be preferred and the warden given opportunity to appear and defend himself against any such charges. When charges shall have been preferred, asking the removal of the warden, notice of the time and place of hearing of said charges shall be served upon him at least ten (10) days prior to the day set for the hearing; provided, however, that when such charges have been preferred, the board of state prison commissioners shall have the power and authority to suspend the warden until after the determination of the charges preferred against him.

"The board shall conduct an open hearing to determine whether the warden should be removed. They shall have the power to compel the attendance of witnesses at any such hearing and to examine them under oath and to require the production of books, papers and other evidence at such hearing, and for that purpose to issue subpoenas and cause the same to be served and executed in any part of the state. The warden shall be entitled to be confronted with the witnesses against him, and he, or his counsel, shall have an opportunity to cross-examine the same, and to introduce testimony in his own behalf. Within fifteen (15) days after such hearing the board shall render its decision in writing. If the effect of the decision is to exonerate the warden, he shall be entitled to reimbursement for any loss in salary caused by the charges against him.

"Compulsory retirement age for the warden shall be sixty-five (65). Upon reaching compulsory retirement age, however, the warden in office may be retained beyond that age by the board of state prison commissioners on a year-to-year basis."

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Appendix C

.....BILL NO.

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 80-706, REVISED CODES OF MONTANA, 1947, RELATING TO THE DUTIES OF THE WARDEN; PROVIDING THAT EXCEPT AS PROVIDED BY LAW, THE WARDEN HAS POWER TO APPOINT AND REMOVE ALL NECESSARY GUARDS AND ASSISTANTS, IN AND ABOUT THE PRISON, SUBJECT TO THE APPROVAL OF THE BOARD AS TO THE NUMBER APPOINTED; AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. That Section 80-706, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"80-706. Duties of Warden. *Except as otherwise provided by law, the warden has power to appoint and remove all necessary guards and assistants, in and about the prison, subject to the approval of the board as to the number appointed.*"

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Appendix D

.....BILL NO.

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 80-714, REVISED CODES OF MONTANA, 1947, RELATING TO HOURS OF LABOR FOR PRISON GUARDS; PROVIDING THAT PRISON GUARDS SHALL NOT BE REQUIRED TO WORK MORE THAN FORTY HOURS OR FIVE DAYS A WEEK, EXCEPT IN EMERGENCIES; AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH."

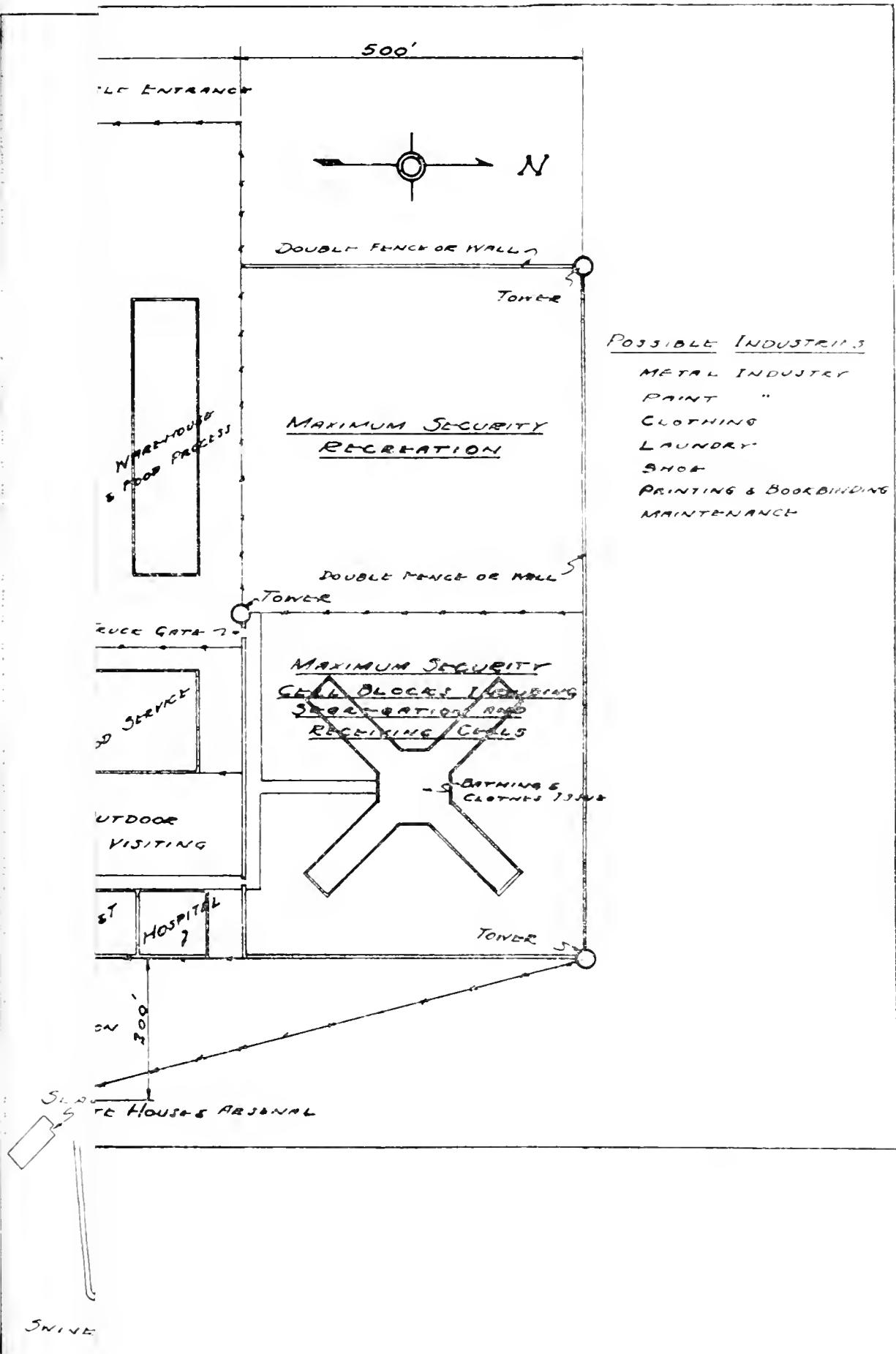
BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. That Section 80-714, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

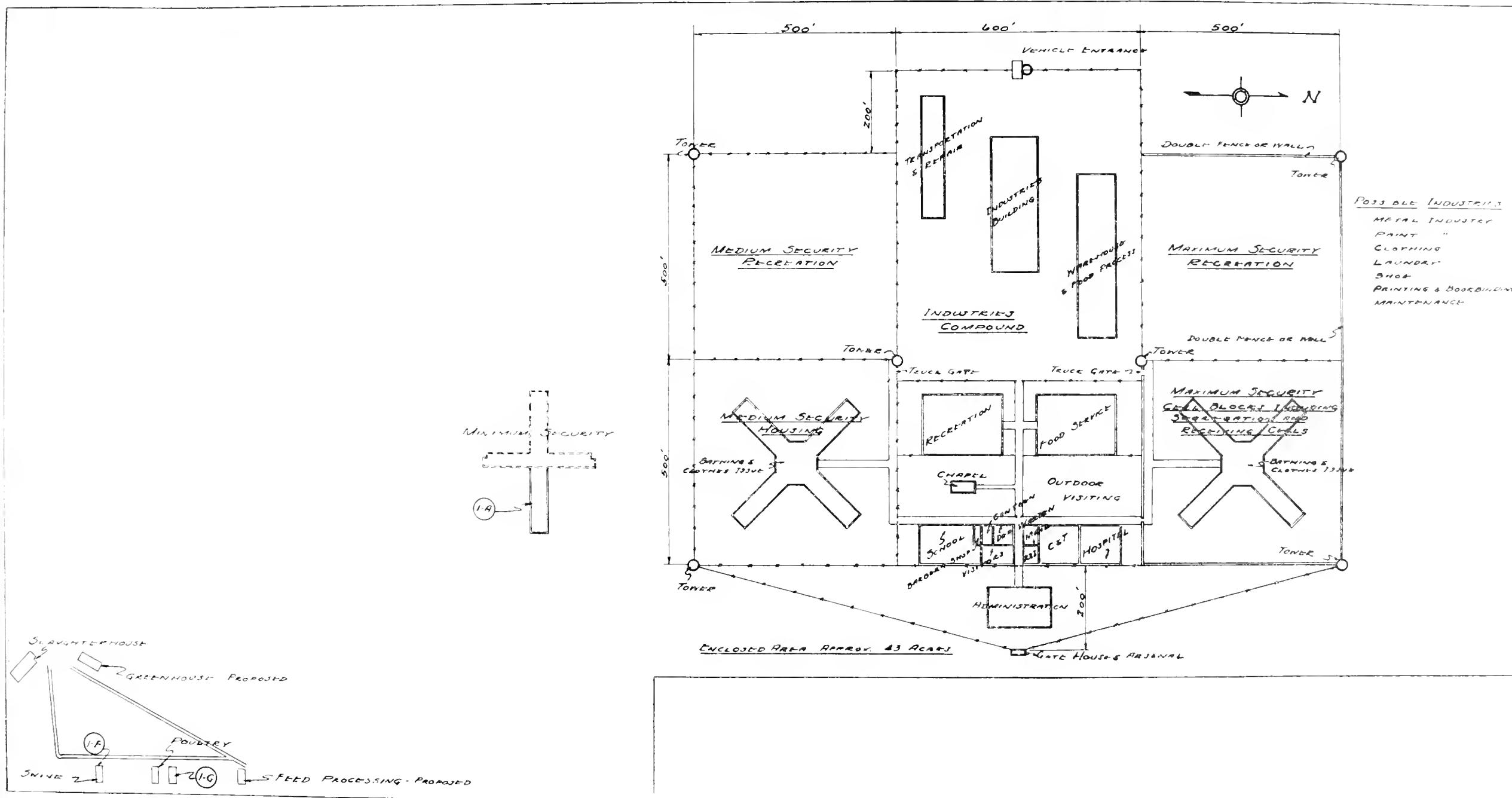
"80-714. Hours of Labor for Prison Guards. A period of eight (8) hours in each period of twenty-four (24) consecutive hours shall constitute a day's work for all civilians employed in and about the state prison; and prison guards shall not be required to work more than forty (40) hours or five (5) days a week; except in cases of insurrection, revolt, or escape of the prisoners confined therein, or of other emergencies endangering health, life, or property."

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

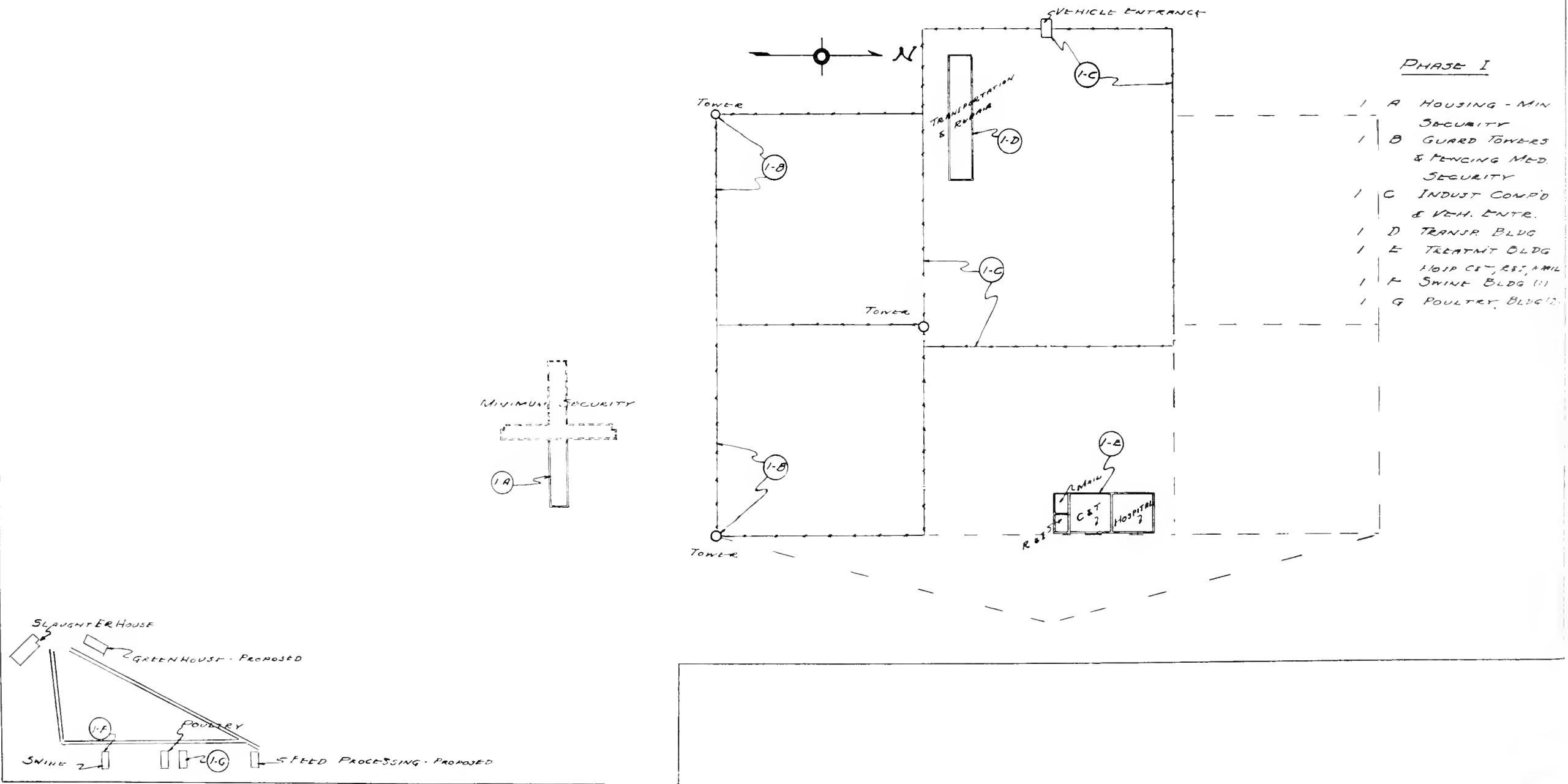
Appendix G

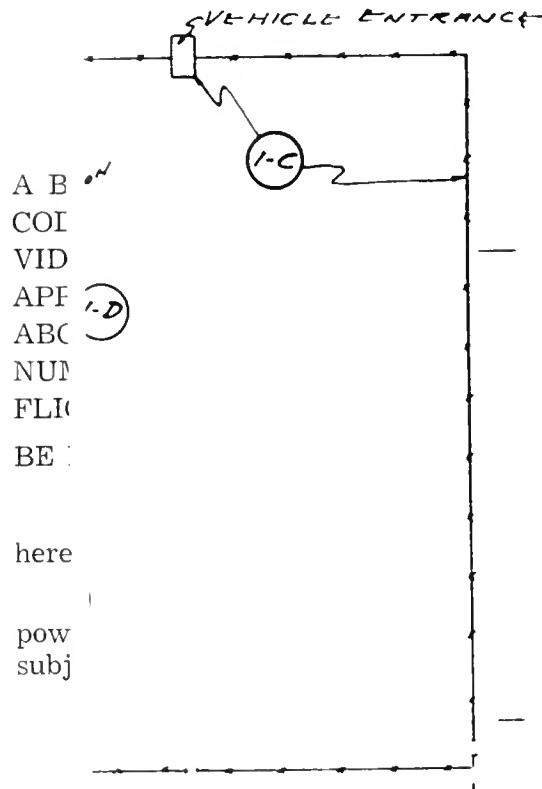


Appendix E



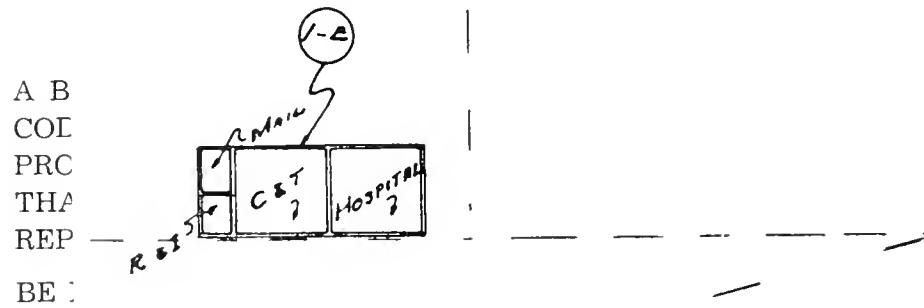
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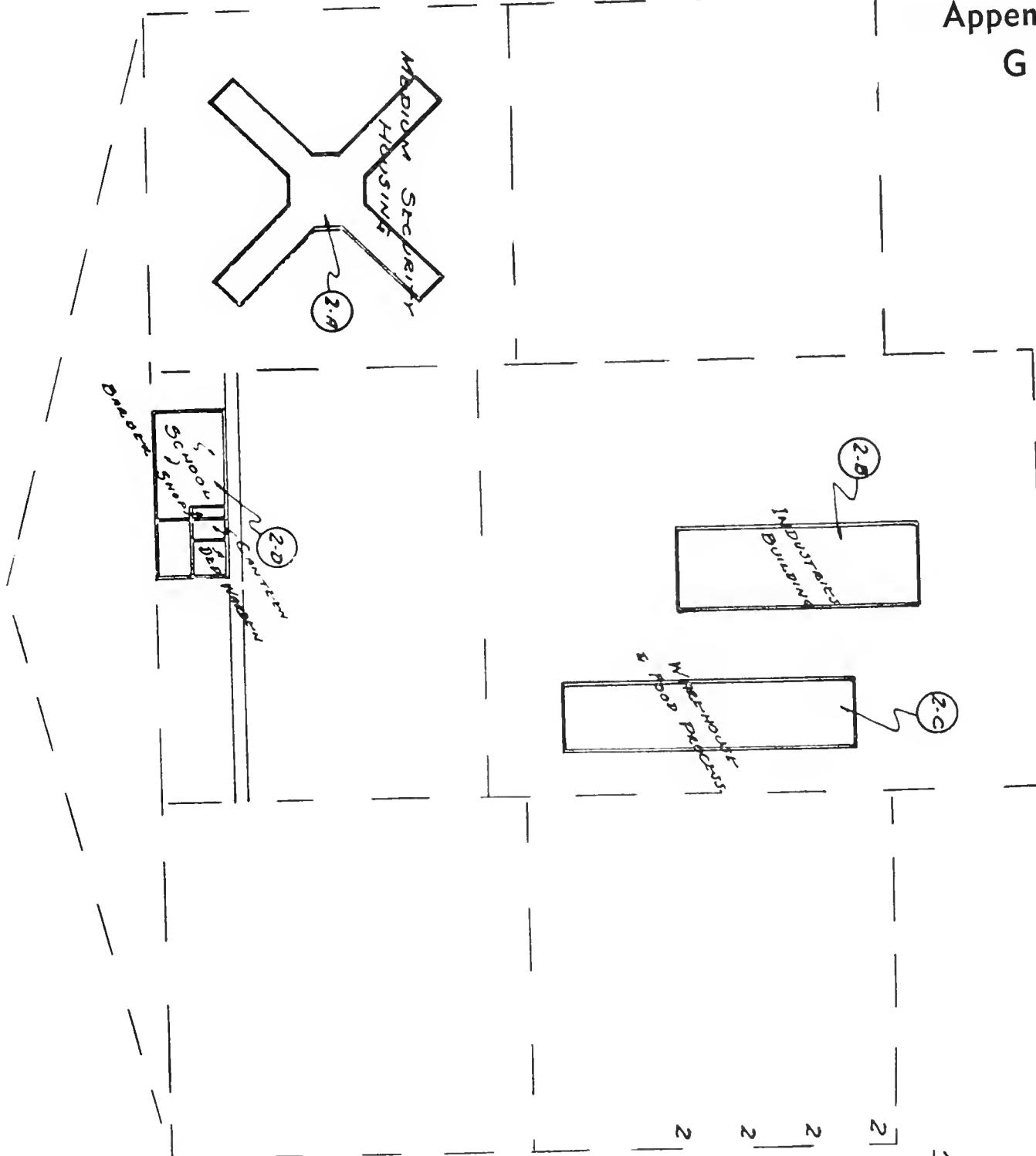


PHASE I

- 1 A HOUSING - MIN SECURITY
- 1 B GUARD TOWERS & FENCING MED. SECURITY
- 1 C INDUST. COMPO & VEH. ENTR.
- 1 D TRANSR. BLDG
- 1 E TREATNIT BLDG. HOSP CTR, RSS, AMIL
- 1 F SWINE BLDG (1)
- 1 G POULTRY BLDG (2)



Appendix
G

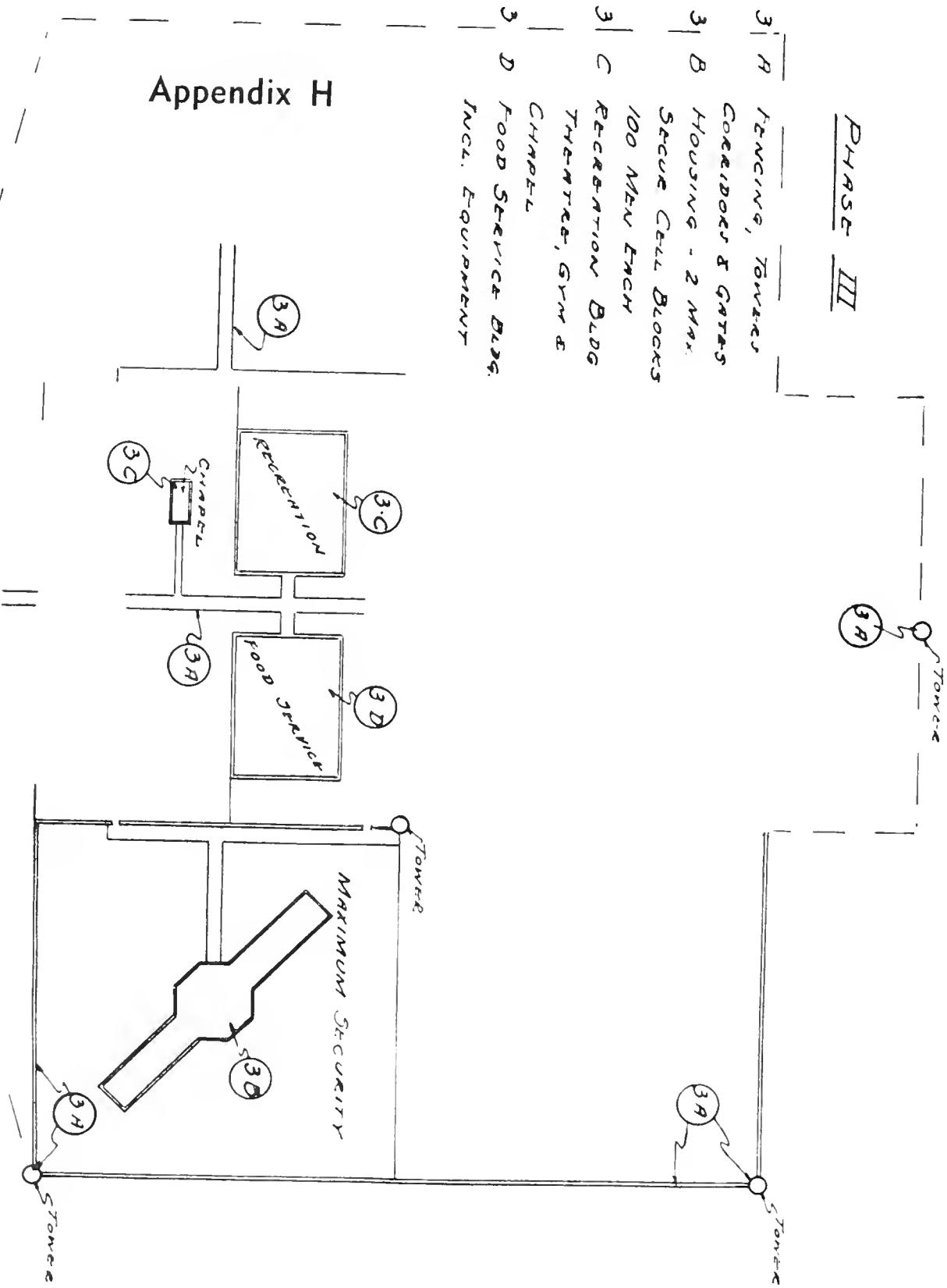


PHASE II	
2	A
2	B
2	C
2	D
2	0

Descriptions:

- A: Housing - Med. Secure, 2-A
- B: Industries & Maint. Shop Bldg. 2-B
- C: Warehouse & Food Processing 2-C
- D: Treatment Bldg. 2-D
- 0: Dormitory, Office, School, Cafeteria, D.R. Shop, Visiting 2-0

Appendix H

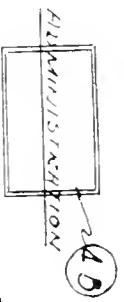
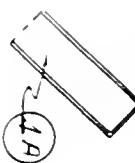


Appendix I

Phase IV

- 4 A HOUSING 2 MAX
SECURE CELL BLOCKS
100 MEN EACH
- 4 B ADMINISTRATION
BUILDING
- 4 C GATE HOUSE
- 4 D ARSENAL & FENCE

MAXIMUM SECURITY



(AC) - GATE HOUSE & ARSENAL

